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PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL

THIRD SESSION OF THE FOURTH LEGISLATIVE COUNCIL

261

Vol. LXIII (Nos. 1 to 6.)

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PERSONNEL OF THE GOVERNMENT OF MADRAS.

Governor of Madras.

His Excellency Lieut.-Col. the Right Hon. Sir GEORGE FREDERICK STANLEY, P.C., G.C.I.E., C.M.G. Took his seat on the 12th November 1929.

Members of the Executive Council.

1. The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur, *Kt.*, Home Member. Took his seat on the 30th March 1925 and is in charge of the following portfolios :—

I.—Provincial Subjects.

1. Police, including Railway Police and C.I.D.
2. Regulation of betting and gambling.
3. Prevention of cruelty to animals.
4. Control of poisons.
5. Control of vehicles.
6. Control of dramatic performances and cinematographs.
7. Control of newspapers, books and printing presses.
8. Laccadives.
9. European vagrancy.
10. European and Anglo-Indian education.
11. Regulation of medical and other professional qualifications and standards.
12. Government Houses, Staff and equipment of His Excellency the Governor.
13. Government Presses.
14. Elections for Indian and Provincial Legislatures.
15. Industrial matters included under the following heads :—
    - (*a*) Factories.
    - (*b*) Settlement of labour disputes.
    - (*c*) Boilers.
    - (*d*) Gas.
    - (*e*) Smoke nuisances.
    - (*f*) Welfare of labour including depressed classes.
16. Criminal tribes.
17. Stores and Stationery (required for Reserved Departments).

II.—Central Subjects.

1. Control of petroleum and explosives.
2. Central police organization.
3. Arms and ammunition.
4. Emigration and immigration.
5. Pilgrimage to the Hedjaz.

2. The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR, *Kt.*, Law Member. Took his seat on the 25th April 1928 and is in charge of the following portfolios :—

I.—Provincial Subjects.

1. Administration of justice, including constitution, powers, maintenance and organization of courts of civil and criminal jurisdiction within the province.
2. Provincial law reports.
3. Administrator-General and Official Trustees.
4. Escheats.
5. Coroners.
6. Treasure-trove.
7. Non-judicial and judicial stamps.
8. Prisons and prisoners.

I.—Provincial Subjects—cont.

9. Industrial matters included under the following head : Electricity, including hydro-electric scheme.
10. Forests (including Cinchona) except panchayat forests.
11. Minor Ports.

II.—Central Subjects.

1. Civil law.
2. Inventions and designs.
3. Copyright.
4. Criminal law.
5. Major Ports.
6. Shipping and navigation.
7. Lighthouses.
8. Port quarantine and marine hospitals.

3. The hon. Sir ARCHIBALD CAMPBELL, K.C.I.E., C.S.I., C.B.E., V.D., I.C.S., Member in charge of Revenue. Took his seat on the 29th June 1929 and is in charge of the following portfolios :—

I.—Provincial Subjects.

1. Land Revenue administration as described under the following heads, namely :—
   - (*a*) Assessment and collection of land revenue.
   - (*b*) Maintenance of land records ; survey for revenue purposes ; records of rights.
   - (*c*) Laws regarding land tenures ; relations of landlords and tenants ; collection of rents.
   - (*d*) Court of Wards, encumbered and attached estates.
   - (*e*) Land improvement and agricultural loans.
   - (*f*) Colonization and disposal of Crown lands.
   - (*g*) Management of Government estates.
   - (*h*) Panchayat forests.
2. Yeomiahs, inams and hereditary pensions.
3. Water-supplies, irrigation and canals, drainage and embankments ; water storage and water power.
4. Inland waterways including shipping and navigation thereon.
5. Economic condition including wages and prices and famine-relief.
6. Land acquisition, excepting notifications under sub-section (1) of section 4 and declarations under sub-section (1) of section 6 of the Land Acquisition Act, 1894, where the public purpose referred to in the said sub-sections appertains to a transferred subject.
7. Development of mineral resources.
8. Protection of wild birds and animals.
9. Pounds and prevention of cattle trespass.
10. Provincial gazetteers.
11. Agency tracts.
12. Fortnightly reports and preliminary special reports to the Government of India.
13. General service questions.
14. Office procedure.
15. Secretariat.
16. Matters of a general nature not allocated elsewhere.

II.—Central Subjects.

1. Geological survey.
2. Mineral development.
3. Botanical survey.
4. Survey of India.
5. Zoological survey.
6. Meteorology.
7. Census and Statistics.
8. Territorial changes.
9. Immovable property in possession of the Governor-General in Council.
10. All-India services.
11. Public Services Commission.
12. Reforms.

4. The hon. Mr. H. G. STOKES, C.S.I., C.I.E., I.C.S., Finance Member. *Took his seat on the 19th March 1930 and is in charge of the following* portfolios :—

I.—Provincial Subjects.

1. Provincial finance.
2. Pensions.
3. Local Fund audit.
4. Preservation and translation of ancient manuscripts.
5. Central Record office.

II.—Central Subjects.

1. (*a*) Defence of India.
   (*b*) Naval and Military works and cantonments.
2. External relations, including naturalization and aliens and pilgrimage beyond India except to the Hedjaz.
3. Relations with States in India.
4. Political charges.
5. Communications.
6. Posts and telegraphs and telephones, including wireless installations.
7. Sources of all-India revenues.
8. Currency and coinage.
9. Public debt of India.
10. Savings banks.
11. Indian Audit Department.
12. Commerce, including Banks and Insurance.
13. Trading Companies and other Associations.
14. Opium (Central questions regarding —).
15. Central Research.
16. Ecclesiastical.
17. Archæology.
18. Regulation of ceremonial titles, orders, precedence and civil uniform.
19. Subjects not allocated elsewhere.

Ministers.

1. The hon. Diwan Bahadur B. MUNISWAMI NAYUDU, Minister for Local Self-Government. Took his seat on the 27th October 1930 and resigned with effect from the 4th November 1932.

The hon. the RAJA OF BOBBILI, Minister for Local Self-Government. Took his seat on the 5th November 1932 and is in charge of the following portfolios :—

1. Local Self-Government including village panchayats.
2. Medical administration.
3. Public Health and Sanitation and Vital Statistics.
4. *Religious and Charitable* Endowments.
5. Adulteration of food-stuffs and other articles.
6. Light and Feeder Railways and Tramways within municipal areas.
7. *Stores and Stationery (required* for Transferred Departments).

2. The hon. Mr. P. T. RAJAN, Minister for Public Works.* Took his seat on the 27th October 1930 and is in charge of the following portfolios :—

1. Agriculture.
2. Civil Veterinary Department.
3. Public Works (Buildings, Roads, Ferries, Ropeways, etc.).
4. Co-operative Societies.
5. Registration.
6. Weights and Measures.

3. The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR, Minister for Education and Excise.* Took his seat on the 27th October 1930 and is in charge of the following portfolios :—

1. Education (other than European and Anglo-Indian education).
2. Excise.
3. Development of Industries.
4. Fisheries.
5. Libraries, Museums and Zoological Gardens.
6. Pilgrimage within British India.

* Resigned with effect from the afternoon of the 3rd November 1932 and took up office again with effect from the 5th November 1932.

PRINCIPAL OFFICERS OF THE MADRAS LEGISLATIVE COUNCIL.

President.

The hon. Mr. B. RAMACHANDRA REDDI.

Deputy President.

M.R.Ry. Rao Bahadur G. JAGANNADHA RAJU Garu.

Panel of Chairmen.

M.R.Ry. Rao Bahadur A. T. PANNIRSELVAM Avargal.
,, Rao Bahadur T. A. RAMALINGAM CHETTIYAR Avargal.
,, M. A. MUTHIAH CHETTIYAR Avargal.
ABDUL HAMEED KHAN SAHIB Bahadur.

Secretary to the Council.

M.R.Ry. Rao Bahadur R. V. KRISHNA AYYAR Avargal, B.A., M.L.

Assistant Secretary to the Council.

M.R.Ry. D. K. V. RAGHAVA VARMA Garu, B.A., B.L.

LIST OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL.

Name of member.	Name and class of constituency.
1. Abdul Hameed Khan Sahib Bahadur.	Madras City, Muhammadan Urban.
2. *Ahmed Meeran Sahib Bahadur*, Moulvi Hafeez Anumanthakudi Mustapha.	*Ramnad cum Tinnevelly*, Muhammadan Rural.
3. *Alagannan Chettiyar*, Rao Sahib A. S.	*Madura*, N.-M. Rural.
4. Alamelumangathayaramma, Mrs. K.	NOMINATED.
5. Annamalai Chettiyar, S. A. A.	Nattukottai Nagarathars' Association.
6. Arasu, V. T.	NOMINATED.
7. Ari Gowder, H. B. ..	The Nilgiris, N.-M. Rural.
8. Arogyaswami Mudaliyar, Diwan Bahadur R. N.	Central Districts, Indian Christian.
9. Basheer Ahmed Sayeed Sahib Bahadur.	Central Districts, Muhammadan Rural.
10. Basu Dev, C.	NOMINATED.
11. Bayappa Reddi, P.	Anantapur, N.-M. Rural.
12. Beyabani Sahib Bahadur, S. M. K.	Ceded Districts, Muhammadan Rural.
13. Bhanoji Rao, A. V.	NOMINATED.
14. Birley, Frank	Madras Chamber of Commerce.
15. Campbell, K.C.I.E., C.S.I., C.B.E., V.D., I.C.S., The hon. Sir Archibald.	EX OFFICIO.
16. Davis, O.B.E., J. A.	Anglo-Indian.
17. Devadasan, M.	NOMINATED.
18. Dharmalingam Pillai, Rao Sahib V.	NOMINATED.
19. Duraiswami Reddiyar, K. M.	South Arcot, N.-M. Rural.
20. Ellappa Chettiyar, Diwan Bahadur S.	Salem, N.-M. Rural.
21. Foulkes, R.	NOMINATED.
22. Gopalaswami Mudaliyar, Diwan Bahadur M.	Bellary, N.-M. Rural.
23. Harischandrudu Nayudu, A. ..	Godavari East, N.-M. Rural.
24. Hood, I.C.S., H. M.	NOMINATED.
25. Indriah, C.	Godavari West, N.-M. Rural.
26. Jagannadha Raju, Rao Bahadur G. (*Deputy President*).	Vizagapatam, N.-M. Rural.
27. Jagannatham, H. M.	NOMINATED.
28. Jayaram Nayudu, Rao Sahib C.	Chingleput, N.-M. Rural.

Name of member.	Name and class of constituency.
29. Jones, I.C.S., C. E	NOMINATED.
30. Kesava Ramamurti Nayudu, K.	Cocanada City, N.-M. Urban.
31. Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Madura and Trichinopoly *cum* Srirangam, Muhammadan Urban.
32. Kolanda Reddi, Rai Sahib C.	Kistna, N.-M. Rural.
33. Koti Reddi, K.	Cuddapah, N.-M. Rural.
34. Krishnamurti, Rao Sahib D. ..	NOMINATED.
35. Krishnan, C.	NOMINATED.
36. Krishnan Nayar, *Kt.*, The hon. Diwan Bahadur Sir M.	EX OFFICIO.
37. Krishnaswami Ayyar, *Kt.*, Diwan Bahadur Sir Alladi.	NOMINATED.
38. Kumara Raja of Venkatagiri (Raja Velugoti Sarvagnya Kumara Krishnayachendrula Bahadur Varu).	Nellore, N.-M. Rural.
39. Kumaraswami Reddiyar, The hon. Diwan Bahadur S. (*Minister*).	Tinnevelly, N.-M. Rural.
40. Kuppuswami Choudari, J. ..	Guntur, N.-M. Rural.
41. Lakshmana Reddi, G. ..	Anantapur, N.M.-Rural.
42. Langley, W. K. M.	Madras Planters.
43. Luker, F. G.	Madras Trades Association.
44. Madanagopal Nayudu, R. ..	Madras City, N.-M. Urban.
45. Madhusoodhanan Thangal, P.	NOMINATED.
46. Maharaja of Venkatagiri (Sri Raja Velugoti Sir Govinda Krishna Yachendrula Bahadur Varu, K.C.I.E., Lieutenant-Colonel).	North Central Landholders.
47. Mahboob Ali Baig Sahib Bahadur.	Northern Circars, Muhammadan Rural.
48. Mahmud Schamnad Sahib Bahadur, Khan Bahadur.	South Kanara, Muhammadan Rural.
49. Manikkavelu Nayakar, M. A.	North Arcot, N.-M. Rural.
50. Moidoo Sahib Bahadur, Khan Bahadur T. M.	Malabar, Muhammadan Rural.
51. Moses, P. C.	Northern Districts, Christian.
52. Muhammad Meera Ravuttar Bahadur, K. P. V. S. ..	Madura *cum* Trichinopoly, Muhammadan Rural.
53. Muniswami Nayudu, the hon. Diwan Bahadur B. (*Minister*).*	Chittoor, N.-M. Rural.
54. Muniswami Pillai, Rao Sahib V. I.	NOMINATED.
55. Murugappa Chettiyar, Diwan Bahadur A. M. M.	Ramnad, N.-M. Rural.

* Resigned with effect from 4th November 1932.

Name of member.	Name and class of constituency.
56. Muthiah Chettiyar, M. A. ..	Southern India Chamber of Commerce.
57. Muthu Chettiyar, Rao Bahadur P. C.	Madura, N.-M. Rural.
58. Nachiyappa Gounder, K. A. ..	Salem, N.-M. Rural.
59. Nadimuthu Pillai, A. Pl. N. V.	Tanjore N.-M. Rural.
60. Nanjappa Bahadur, Subadar-Major S. A.	NOMINATED.
61. Narasa Reddi, T.	Cuddapah, N.-M. Rural.
62. Narasimhaswami, D. V. ..	Godavari East, N.-M. Rural.
63. Narayanan Nambiyar, V. P.	Malabar, N.-M. Rural.
64. Narayanaswami Pillai, Rao Bahadur T. M.	Trichinopoly, N.-M. Rural.
65. Natesa Mudaliyar, Rao Bahadur C.	Madras City, N.-M. Urban.
66. Palat, R. M.	West Coast Landholders.
67. Pannirselvam, Rao Bahadur A. T.	Tanjore and Trichinopoly *cum* Madura, *Christian*.
68. Parthasarathi Ayyangar, C. R.	Chittoor, N.-M. Rural.
69. Patnaik Mahasayo, Sriman M. G.	Ganjam, N.-M. Rural.
70. Patro, *Kt.*, Rao Bahadur Sir A. P.	Ganjam, N.-M. Rural.
71. Pattabhiramayya, K.	Kistna, N.-M. Rural.
72. Pattagar of Palayakottai (Rai Bahadur Nallathambi Sarkarai Manradiyar).	Coimbatore, N.-M. Rural.
73. Peddi Raju, P.	Godavari West, N.-M. Rural.
74. Pocker Sahib Bahadur, B. ..	Malabar, Muhammadan Rural.
75. Premayya, G. R.	NOMINATED.
76. Rajagopala Pillai, P. V. ..	NOMINATED.
77. Raja of Bobbili (Sri Ravu Swetachallapathi Ramakrishna Ranga Rao). (*Minister*).*	Vizagapatam, N.-M. Rural.
78. Raja of Kallikote (Raja Sri Ramachandra Marda Raja Deo Garu).	Northern Landholders, I.
79. Raja of Parlakimedi (Sri Sri Sri Krishna Chandra Gajapathi Narayana Deo Garu).	Ganjam, N.-M. Rural.
80. Rajan, The hon. Mr. P. T. (*Minister*).	Madura, N.-M. Rural.
81. Ramachandra Padayachi, P. K.	South Arcot, N.-M. Rural
82. Ramachandra Reddi, The hon. Mr. B. (*President*).	Nellore, N.-M. Rural.
83. Ramakrishna Reddi, A. ..	Kurnool, N.-M. Rural.
84. Ramalingam Chettiyar, Rao Bahadur T. A.	Coimbatore, N.-M. Rural.

* With effect from 5th November 1932.

Name of member.	Name and class of constituency.
85. Ramamurti, Pandit Ganala ..	NOMINATED.
86. Raman Menon, K. P.	Malabar, N.-M. Rural.
87. Ramaswami Ayyar, T. S. ..	Madras University.
88. Ramaswami Mudaliyar, V. M.	North Arcot, N.-M. Rural.
89. Ranganatha Mudaliyar, A. ..	Bellary, N.-M. Rural.
90. Ranganatha Mudaliyar, G. ..	Tanjore, N.-M. Rural.
91. Ranganatha Mudaliyar, M. D. T.	Tinnevelly *cum* Palamcottah, N.-M. Urban.
92. Rangaswami Reddi, M. B. ..	North Arcot, N.-M. Rural.
93. Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.	Coimbatore, N.-M. Rural.
94. Sahajanandam, Swami A. S. ..	NOMINATED.
95. Sami Venkatachalam Chetti ..	Madras City, N.-M. Urban.
96. Satyanarayana Choudari, C. ..	Guntur, N.-M. Rural.
97. Sesha Reddi, B. P.	Kurnool, N.-M. Rural.
98. Shetty, A. B.	South Kanara, N.-M. Rural.
99. Simhachalam Pantulu, Gade ..	Guntur, N.-M. Rural.
100. Singam Ayyangar, K. ..	Trichinopoly *cum* Srirangam, N.-M. Urban.
101. Siva Raj, Rao Sahib N. ..	NOMINATED.
102. Sivasubrahmanya Ayyar, K. S.	Tanjore, N.-M. Rural.
103. Slater, C.M.G., C.I.E., I.C.S., S. H.	NOMINATED.
104. Smith, C.I.E., I.C.S., E. Conran.	NOMINATED.
105. Soundara Pandian, W. P. A.	NOMINATED.
106. Sreshta, M. S.	West Coast, Christian.
107. Srinivasa Ayyangar, T. C. ..	Ramnad, N.-M. Rural.
108. Srinivasan, Rao Bahadur R. ..	NOMINATED.
109. Sriramulu, G.	NOMINATED.
110. Stanes, F. G.	Madras Chamber of Commerce.
111. Stokes, C.S.I., C.I.E., I.C.S., The hon. Mr. H. G.	EX OFFICIO.
112. Subbarayan, Dr. P. ..	South Central Landholders.
113. Subrahmanyam Chetti, Rao Sahib P.	NOMINATED.
114. Subrahmanya Bhatt, U. C. ..	Kanara South, N.-M. Rural.
115. Sundara Rao Nayudu, T. ..	Madras City, N.-M. Urban.
116. Syed Tajuddin Sahib Bahadur, Khan Sahib.	Tanjore, Muhammadan.
117. Thomas, Daniel	Ramnad *cum* Tinnevelly, Christian.
118. Thorne, C.I.E., I.C.S., J. A. ..	NOMINATED.
119. Usman Sahib Bahadur, *Kt.*, The hon. Khan Bahadur Sir Mahomed.	EX OFFICIO.
120. Vasudeva Pillai, V. G. ..	NOMINATED.
121. Vedachala Mudaliyar, M. ..	Chingleput, N.-M. Rural.
122. Venkatarama Ayyar, K. R. ..	Madura City, N.-M. Urban.
123. Venugopal Nayudu, Rao Bahadur R. K.	South Arcot, N.-M. Rural.
124. Wright, W. O.	European.

Name of member.	Name and class of constituency.
125. Yahya Ali Sahib Bahadur, Khan Bahadur.	East Coast, Muhammadan Rural.
126. Yakub Hasan Sahib Bahadur.	North Arcot *cum* Chingleput.
127. Zamindar of Bodinayakkanur (Kamaraja Pandia Nayakar, T. V. K.).	Southern Landholders.
128. Zamindar of Chemudu (Sri Vyricherla Narayana Gajapati Raju).	Vizagapatam City, N.-M. Urban.
129. Zamindar of Ettayapuram (Raja Jaga Veera Rama Kumara Venkateswara Ettappa Nayakar Ayyan).	Tinnevelly, N.-M. Rural.
130. Zamindar of Kirlampudi (Sri Raja Ravu Ramakrishna Ranga Rao).	NOMINATED.
131. Zamindar of Minampalli (K. C. M. Venkatachala Reddiyar).	Trichinopoly, N.-M. Rural.
132. Zamindar of Mirzapuram (Mirzapuram Raja alias Venkataramayya Appa Rao).	Northern Landholders, II.

SPECIAL MEMBER.

133. Appu Nayar, P.	NOMINATED for the consideration of the Nambudri Bill and the Marumakkattayam Bills.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Official Report.

Third Session of the Fourth Legislative Council under the Government of India Act, 1919.

Monday, the 31st October 1932.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. Ramachandra Reddi) in the Chair.

PRESENT:

Usman Sahib Bahadur, *Kt.*, The hon. Khan Bahadur Sir Mahomed.
Krishnan Nayar, *Kt.*, The hon. Diwan Bahadur Sir M.
Campbell, K.C.I.E., C.S.I., C.B.E., V.D., I.C.S., The hon. Sir Archibald.
Stokes, C.S.I., C.I.E., I.C.S., The hon. Mr. H. G.
Muniswami Nayudu, The hon. Diwan Bahadur B.
Kumaraswami Reddiyar, The hon. Diwan Bahadur S.
Abdul Hameed Khan Sahib Bahadur.
Ahmed Miran Sahib Bahadur.
Alagannan Chettiyar, Rao Sahib A. S.
Alamelumangathayaramma, Mrs. K.
Annamalai Chettiyar, Mr. S. A. A.
Arasu, Mr. V. T.
Basheer Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Bayappa Reddi, Mr. P.
Beyabani Sahib Bahadur, S. M. K.
Bhanoji Rao, Mr. A. V.
Birley, Mr. F.
Davis, Mr. J. A.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Duraiswami Reddiyar, Mr. K. M.
Ellappa Chettiyar, Diwan Bahadur S.
Foulkes, Mr. R.
Harischandrudu Nayudu, Mr. A.
Hood, I.C.S., Mr. H. M.
Indriah, Mr. C.
Jagannadha Raju, Rao Bahadur G.
Jagannatham, Mr. H. M.
Jayaram Nayudu, Rao Sahib C.
Jones, Mr. C. E.
Kesava Ramamurti Nayudu, Mr. K.
Kolanda Reddi, Rai Sahib C.
Koti Reddi, Mr. K.
Krishnamurti, Rao Sahib D.
Krishnan, Mr. C.
Kumara Raja of Venkatagiri, The
Lakshmana Reddi, Mr. G.
Langley, Mr. W. K. M.
Luker, Mr. F. G.
Madanagopal Nayudu, Mr. R.
Mahboob Ali Baig Sahib Bahadur.
Manikkavelu Nayakar, Mr. M. A.
Moses, Mr. P. C.
Muniswami Pillai, Rao Sahib V. I.
Murugappa Chettiyar, Diwan Bahadur A. M. M.
Muthiah Chettiyar, Mr. M. A.
Muthu Chettiyar, Rao Bahadur P. C.
Nanjappa Bahadur, Subadar-Major S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Mr. D. V.
Narayanan Nambiyar, Mr. V. P.
Natesa Mudaliyar, Rao Bahadur C.
Parthasarathi Ayyangar, Mr. C. R.
Patnaik Mahasayo, Sriman M. G.
Patro, *Kt.*, Rao Bahadur Sir A. P.
Pattagar of Palayakottai, The
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Raja of Bobbili, The
Raja of Kallikote, The
Ramakrishna Reddi, Mr. A.
Ramalingam Chettiyar, Rao Bahadur T. A.
Ramamurti, Pandit Ganala.
Raman Menon, Mr. K. P.
Ramaswami Ayyar, Mr. T. S.

PRESENT:—*cont.*

Ranganatha Mudaliyar, Mr. A.
Ranganatha Mudaliyar, Mr. M. D. T.
Rangaswami Reddi, Mr. M. B.
Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
Sami Venkatachalam Chetti, Mr.
Satyanarayana Choudari, Mr. C.
Sesha Reddi, Mr. B. P.
Siva Raj, Rao Sahib N.
Slater, C.M.G., C.I.E., I.C.S., Mr. S. H.
Smith, C.I.E., I.C.S., Mr. E. C.
Soundara Pandian, Mr. W. P. A.
Srinivasa Ayyangar, Mr. T. C.
Srinivasan, Rao Bahadur R.
Sriramulu, Mr. G.
Subbarayan, Dr. P.
Subrahmanya Bhatt, Mr. U. C.
Subrahmanya Chetti, Rao Sahib P.
Sundara Rao Nayudu, Mr. T.
Syed Tajuddin Sahib Bahadur, Khan Sahib.
Thomas, Mr. Daniel.
Thorne, C.I.E., I.C.S., Mr. J. A.
Vasudeva Pillai, Mr. V. G.
Vedachala Mudaliyar, Mr. M.
Venkatarama Ayyar, Mr. K. R.
Venugopal Nayudu, Rao Bahadur R. K.
Wright, Mr. W. O.
Yakub Hasan Sahib Bahadur.
Zamindar of Kirlampudi, The
Zamindar of Mirazapuram, The

I.—SWEARING IN OF MEMBERS.

The undermentioned Members made the prescribed oath or affirmation of allegiance to the Crown and then took their seats:—

1. Mr. W. O. Wright.
2. Mr. W. K. M. Langley.

[*Note*.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—RESOLUTION OF CONDOLENCE.

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" Mr. President, Sir, I beg to move—

' *that an expression of sincere regret of this Council at the death of Sir Thomas Moir, K.C.I.E., C.S.I., I.C.S., (Retired) and of deep sympathy with the bereaved family be placed on record and conveyed to them.*'

" Mr. President, Sir Thomas Moir, after a distinguished academic career in England arrived in India in 1898 and after serving in various districts for about 17 years, where he easily earned the name of a very popular Collector, he became Private Secretary to Lord Pentland in 1915. Till 1919 he was occupying that post and was considered to be a very popular Private Secretary. He was then placed on special duty as Director of Civil Supplies from 20th April to 6th November 1919. Then he was on deputation in England from 13th July to 21st August 1920 for studying questions connected with labour. After his return from England, he was appointed as Commissioner of Labour. It was here that he made a mark on the department by showing his real sympathy with the aspirations of the depressed classes and by taking a very deep interest in the uplifting of them. The depressed classes have always looked upon him as their patron. Sir, he became Secretary to Government and afterwards for two or three years he represented the Madras Government in the Legislative Assembly, where he distinguished himself by his very able speeches on the question of the Meston Award. In

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1925, he became a Member of the Madras Government. During the five years that he was here, hon. Members know the interest he was taking in the debates of this Council. Sir Thomas Moir safeguarded the finances of this province in a most efficient manner. He was always, during the time when he was a Member of the Government, taking a very keen interest in the work of the depressed classes and in the work of education in this country. Hon. Members will remember the sympathy he has shown towards the Annamalai University, when that Bill was introduced by Dr. Subbarayan, who is now the Leader of the Opposition. We were very sorry when we heard that he died about two months ago. The Governor in Council in recording sincere regret has rightly said that thoroughness, a capacity for hard work and a strict sense of duty were the qualities which distinguished his official career even in the face of ill-health, which almost crippled him during the last few months of service and from which he never fully recovered after his retirement. He last attended the Legislative Council on the 25th February 1930 when he presented the Budget for the year 1930–31. His Budget speech was, however, read by Mr. Watson, the then Finance Secretary, as Sir Thomas Moir felt that he was physically unequal to the task. By his death, India has lost a friend who has served her well and most devotedly. By passing this resolution, we shall be paying our tribute of respect to his memory."

* Dr. P. SUBBARAYAN:—" Mr. President, in seconding this resolution, I wish to associate myself with every word that has fallen from the hon. the Leader of the House. If I may strike a personal note, the hon. Sir Thomas Moir was educated at the same college as I was, at Oxford, and so we have had personal relations of a very lasting character and friendship which I can never forget. The hon. Sir Thomas Moir as the Finance Member of this Government helped me a great deal during the time I had the honour of being a Minister of this Government. Not only did he help us in his official capacity, but he was always to the fore in defending any of his colleagues on the floor of this House when he felt such defence was necessary and in defending his colleagues, he never spared any pains. In losing him, India certainly has lost a good friend, because whatever might have been the opinions of Sir Thomas Moir, he stood loyally by the Madras Government Memorandum to the Simon Commission and was keen on the inauguration of the new constitution in this province. It is a pity that he is lost to us before the new constitution is established in this country. I am sure all hon. Members will agree with us in sending a word of condolence to his bereaved family on this occasion."

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" Mr. President, I also heartily associate myself with every word that has been uttered by the hon. the Leader of the House and the Leader of the Opposition. A large number of Members of this House know Sir Thomas Moir very well, whether they have served with him or not. Every one knows the interest that he took in local bodies. He was the Finance Member of this Government, and during his tenure of office

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he felt it his duty to please everybody, though it was a very difficult task to please everybody. On behalf of the local boards, I must mention that he evinced sympathy to see that the finances are put on a stable basis and to a very large extent the position of the local boards is due entirely to his sympathy. I have nothing more to add to what has already been stated by the previous speakers. On behalf of this House, I associate myself with the feeling of the great loss that India has suffered at the death of a brilliant son of England who has served India well."

Rao Sahib V. I. MUNISWAMI PILLAI:—" Mr. President, it was with deep regret that the depressed classes came to know of the sad demise of the late lamented Sir Thomas Moir who happened to be the Commissioner of Labour for many years and during whose tenure of office as such, there was the Buckingham Mills trouble when he as Labour Commissioner played a very important part by giving adequate protection to the depressed class labourers. As already stated by the hon. the Leader of the House, he played a very important part in the uplifting of the depressed classes. It was due to his energy that the Nandanar Kalvi Kazhagam is having a hostel run after the name of Sir Thomas Moir. I had the honour of serving both in the Finance and the Public Accounts Committees when the late Sir Thomas was the Chairman of those committees. At all times, he was very fair to the arguments advanced by Members of both the committees. I join the hon. the Home Member in supporting the resolution before the House."

The hon. the PRESIDENT:—" The question is—

'That an expression of sincere regret of this Council, at the death of Sir Thomas Moir, K.C.I.E., C.S.I., I.C.S. (Retired) and of deep sympathy with the bereaved family, be placed on record and conveyed to them.' "

The resolution was carried, all Members standing.

III.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Control of books

Proscription of 'Prabhutvadhanamu Manabeethatanamu.'

* 156-A *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state—

(*a*) whether the Government have proscribed a Telugu book called 'Prabhutvadhanamu Manabeethatanamu' which is a translation by Senivarapu Subba Rao of the book in English called 'Public Finance and Our Poverty' by Professor J. C. Kumarappa and if so, when and for what reasons;

(*b*) whether they have proscribed also the original book in English and if so, when and for what reasons; and

(*c*) whether the original book as well as its translation consists mostly of quotations from the present British Premier's books on India and if so, whether the Government's objections are to the quotations or to other matter contained in the proscribed book or books?

A.—(*a*) The Telugu book in question was proscribed in July 1932 as it contained matter of the nature described in section 4 (1) of the Indian Press (Emergency Powers) Act, 1931, as amended by section 77 of the Special Powers Ordinance, 1932 (Ordinance No. X of 1932).

(*b*) No.

(*c*) The original book is not available with the Government. The translation contains several quotations from the works of the present British Premier on India. The passages considered objectionable are not taken from among those quotations.

Mr. A. RANGANATHA MUDALIYAR:—"The answer says that the 'original book is not available with the Government.' May I know where it was published?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"Notice, Sir."

Mr. A. RANGANATHA MUDALIYAR:—"Have Government satisfied themselves or not, whether the objectionable quotations are to be found in the original also?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"Yes, the Government are satisfied."

Mr. A. RANGANATHA MUDALIYAR:—"May I know for how long the original book has been in circulation in this Presidency?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"Notice, Sir."

Mr. ABDUL HAMEED KHAN:—"May I know what the objectionable portions are?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I must ask for notice of the question, Sir. I cannot answer off-hand what those passages are."

Mr. ABDUL HAMEED KHAN:—"Will the hon. Member place it on the table of the House, Sir?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"If the hon. Member would put it as a question, I shall consider the suggestion."

Mr. BASHEER AHMED SAYEED:—"May I know whether it was not possible for the Government before they proscribed the book to make an enquiry into the objectionable passages and to see who was responsible for the same?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"All enquiries were made and the action was taken only after satisfying ourselves."

Mr. A. RANGANATHA MUDALIYAR:—"If the original is unobjectionable, how does the translation become objectionable?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I have nothing more to add to what I have already stated."

Forfeiture and restitution of the copies of the Tamil book 'A. N. Kader Aviliya.'

* 156-B *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state why copies of the books in Tamil entitled 'A. N. Kader Aviliya, Perfumery Catalogue' were first forfeited and why afterwards the notification forfeiting the copies was cancelled?

A.—A copy of the book referred to which purported to be a perfumery catalogue printed on the 10th June 1928 at the Star Press, Kumbakonam, and published by A. N. Kader Avuliya, *Parimalasalai*, Valangiman, Tanjore district, was found to contain four sets of pamphlets commenting on certain events of 1932 and advocating the boycott of British goods and the non-payment of taxes. The book was accordingly proscribed on the ground that it contained matter of the nature described in section 4 (1) (*f*) of the Indian Press (Emergency Powers) Act, 1931, as amended by section 77 of the Special Powers Ordinance X of 1932. S. P. M. Abdul Ganni Rowther, the proprietor and manager of the A. N. Kader Avuliya, Parimalasalai, and publisher of the perfumery catalogue subsequently made representations to the Government that some one either out of jealousy of the firm or out of mischief must have obtained a copy of an old catalogue and inserted the objectionable matter. The District Magistrate of Tanjore reported that the contents of a genuine catalogue had been removed and printed matter of an objectionable nature inserted in their place, and that neither the Star Press, Kumbakonam, nor S. P. M. Abdul Ganni Rowther were responsible for it. The Government agreed with the District Magistrate and ordered that the notification proscribing the book in question be cancelled.

Mr. A. RANGANATHA MUDALIYAR:—" It is said in the answer to the question that a catalogue printed in 1928 contained copies of pamphlets and leaflets referring to matters of 1932. Was it not noticed in the first instance when the catalogue was proscribed? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" I do not think copies of the real catalogue of 1928 were proscribed."

Mr. SAMI VENKATACHALAM CHETTI:—" May I know, if the catalogue is now in circulation? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" I have no information."

Mr. A. RANGANATHA MUDALIYAR:—" I am asking whether the fact that 1928 catalogue could not contain references to happenings of 1932, was not observed in the first instance? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" Those were inserted."

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Mr. SAMI VENKATACHALAM CHETTI:—" Have the Government noticed that things which occurred in 1932 could not have appeared in the 1928 catalogue? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " The date was changed."

Mr. SAMI VENKATACHALAM CHETTI:—" Date of what? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " Date of the catalogue."

Mr. SAMI VENKATACHALAM CHETTI:—" If the date of the catalogue was changed, what about the events that are to have taken place? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " It was printed in 1928. The date has been changed to 1932 and the objectionable portions have been inserted and the whole was thus made to appear as if it was printed in 1932."

Mr. SAMI VENKATACHALAM CHETTI:—" I want to know whether the Government considered it unobjectionable in the year 1928? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " The question of 1928 does not arise."

Mr. SAMI VENKATACHALAM CHETTI:—" May I take it that the proscription order has now been cancelled? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " Yes."

Mr. SAMI VENKATACHALAM CHETTI:—" Then that objectionable matter can now be circulated? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " No objectionable matter can be circulated."

Dr. P. SUBBARAYAN:—" That is cancelled? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " There is the original catalogue which does not contain the objectionable passages and that catalogue can be circulated."

Mr. BASHEER AHMED SAYEED:—" Then, was the spurious catalogue the action of any one interested in foisting things which are unauthorized? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " All that is given in the printed answer to the question."

Mr. BASHEER AHMED SAYEED:—" Was it due to agent provocateur? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " The hon. Member may draw his own conclusions."

Labour

Labour strike in the Western India Match Company Factory, Tiruvottiyur.

* 157 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Home Member be pleased to state—

(a) whether he is aware of a strike in the Western India Match Company Factory, Tiruvottiyur, near Madras; if so, whether he will

be pleased to state the number of men involved and for what period work has been suspended;

(b) what steps the Government have taken either directly or through the Labour Commissioner for a settlement of the strike;

(c) whether it is a fact that peaceful picketing by the workmen of the black-leg labour was prevented by the Government, and if so, under what law;

(d) whether it is a fact that the local Sub-Inspector was a probationer in the service and he was openly associating himself with the employers by frequently visiting the factory and making use of the management's motor car;

(e) whether the Factory Workers' Union brought this fact to the notice of the District Superintendent of Police, and if so, what action has been taken;

(f) whether it is a fact that the management allowed the Sub-Inspector of Police to use their private car for his private purposes also;

(g) whether it is a fact that the Sub-Inspector was forcibly trespassing the houses of the workers with a view to intimidating them;

(h) whether it is a fact that the Sub-Inspector forcibly entered the house of a worker, Palani and intimidated him;

(i) whether it is a fact that the Sub-Inspector is responsible for instituting several complaints against the workers on some ground or other;

(j) what the nature is of the complaints made;

(k) whether it is a fact that the Police volunteered their help to the black-leg labour by escorting them from their houses to the factory and back; and

(l) whether it is a fact that the local Sub-Inspector actually encouraged many black-legs and took a personal interest in their recruitment, assuring them that their services would not be dispensed with even if the permanent workers returned?

A.—(a) The hon. Member apparently refers to the strike which occurred in the Western India Match Factory on the 4th May 1932. The strike appears to have lasted up to 2nd June 1932. The number of workers involved in the strike was about 700.

(b) None.

(c) No. Definite instructions were issued to all Police officers not to interfere with any peaceful picketing on the part of the strikers.

(d) The local Sub-Inspector was a probationer. He used the management's motor car on certain occasions in the interests of maintaining law and order.

(e) When the fact was brought to the notice of the District Superintendent of Police the Sub-Inspector was instructed not to use the factory manager's car on any occasion whatever and to use only hired cars if occasion for use of any fast conveyance arose.

(*f*) No.

(*g*) No.

(*h*) The Sub-Inspector entered the house of Palani to arrest him as he was concerned in a case under sections 341 and 323, Indian Penal Code, Crime No. 25 of 1932 of Tiruvottiyur station.

(*i*) & (*j*) The Sub-Inspector was not responsible for the institution of any complaint against the workers. On the other hand eighteen definite complaints were made to him against the strikers and on three of these the Sub-Inspector took action.

(*k*) The Police did not volunteer to escort the black-leg labour. In order to see that no breach of peace took place on the road the Police had to follow some of the workmen to the factory.

(*l*) No.

Mr. A. RANGANATHA MUDALIYAR :—" It is stated in the answer, 11-1
Sir, that the Sub-Inspector was instructed to use only hired cars if a.m.
occasion for use of any fast conveyance arose. May I know by whom he is paid for the hire? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—" He is paid by the department."

Mr. A. RANGANATHA MUDALIYAR :—" Was any allowance drawn, Sir, during the period the management's car had been impressed? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—" Notice of the question, Sir."

Law and Order—General

Enquiry into alleged Police excesses against Congress volunteers.

* 158 *Q.*—Mr. A. B. SHETTY : Will the hon. the Home Member be pleased to state—

(*a*) in which districts representations have been made to the Government regarding Police excesses in dealing with Congress volunteers;

(*b*) in how many of these cases Government have held enquiries; and

(*c*) what the result of the enquiry has been in each such case ?

A.—(*a*) Eleven such representations have been received in all from the following districts :—

Madras, Ramnad, Kistna, Madura, Malabar, South Kanara, Tinnevelly and East Godavari.

(*b*) Two are under the consideration of the Government. Of the remaining nine, seven have been enquired into.

(*c*) The allegations have been found to be either false or highly exaggerated in all cases but two into which departmental enquiry has been ordered.

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Mr. U. C. SUBRAHMANYA BHATT:—" May I know, Sir, what those two cases which are under the consideration of the Government are? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
" The two cases relate to the South Kanara district. They are about the Police excesses committed in Mangalore and Perdoor."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know why a further departmental enquiry has been ordered when the Collector has enquired and reported? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
" We wanted to know what the Inspector-General thought about the whole question, and so we wanted him to make an enquiry."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether, before the Collector enquired into the matters he gave notice to the parties, and the Police took part in the enquiry? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
" I must ask for notice of the question."

Mr. YAKUB HASAN:—" May I know if the Government have seen the reports of these enquiries? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
" Not yet."

Mr. ABDUL HAMEED KHAN:—" May I know if the hon. the Home Member will be pleased to place on the table of the House any cases in regard to which Government made enquiries and found the allegations to be false? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
" I shall have to consider the suggestion, Sir."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know why a further departmental enquiry is instituted? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
" It is absolutely essential."

Dispersal by the Police of a procession at Bezwada on 4th July 1932 by a lathi charge.

* 159 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that there was a procession in Bezwada on 4th July 1932 in the evening consisting of about 10 volunteers and whether the Police headed by the Circle Inspector and sergeant stopped them at the railway level crossing and charged them with lathis most severely;

(*b*) whether it is a fact that the volunteers fell unconscious on account of the said beatings and blood flowed from their bodies profusely;

(*c*) whether it is a fact that one of the said volunteers Gullapalli Venkatasubbiah had his left hand fractured;

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(*d*) whether it is a fact that the Police took away the cloth of another unconscious picketer named Merugu Devaya who had been so beaten and left him naked on the road;

(*e*) whether it is a fact that Mr. Yedupuganti Ramakotaya fell into the channel unconscious after the said beating and whether it is a fact that the Police made no attempts to rescue him and though after he had passed a hundred yards below he was rescued by a passer-by, he was not allowed to be brought to the bund by the Police; and

(*f*) whether it is a fact that seven out of the abovesaid ten volunteers were admitted into the Peoples' Hospital at Bezwada; if so, will the hon. Member be pleased to call for the particulars of their injuries and the nature of the beatings and the number of days they have been treated as in-patients and place the same on the table of the House?

A.—(*a*) & (*b*) The facts as reported by the District Magistrate are as follows:—

On 4th July 1932 eight individuals were going from the railway level-crossing gate to the town singing congress slogans and distributing bulletins. The Station-house officer with a party of constables proceeded to the spot and found the eight volunteers together with a big crowd. The volunteers were commanded to disperse but they showed a defiant attitude, saying that it was the 'All-India Prisoners' Day," and that they were prepared to go in procession defying the orders under section 144, Criminal Procedure Code. They were then dispersed with a light lathi charge.

(*c*) No.

(*d*) Government are not aware of it.

(*e*) The volunteer while trying to escape jumped into the canal close by and swam to the other side.

(*f*) Seven volunteers were admitted into the "Peoples' Hospital," Bezwada. Six of them were discharged within two days and one of them remained there for about a week. No information is available regarding the number and nature of the injuries alleged to have been received.

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether the answer to (*c*) is based on any report of any medical officer who treated the paient?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I shall enquire. I think we got the information from the District Magistrate's report."

Mr. U. C. SUBRAHMANYA BHATT:—"The question is whether it is based on the report of any medical officer who treated the patient?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"Notice of the question."

Mr. BASHEER AHMED SAYEED:—"May I know whether the Government have enquired if it is a fact that the Police took away the cloth of the unconscious patient, named Merugu Devayya?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
"All enquiries that were necessary have been made."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know if it is not a fact that when this question of Police excesses in Bezwada came up before the last Council, the hon. the Home Member promised that he would enquire into the matter?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
"The matter was enquired into, and we have also issued a Press Communiqué on the subject."

Mr. BASHEER AHMED SAYEED:—"May I know whether the answer to clause (c) is based on any report other than that of the Police?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
"The District Magistrate's report."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether the District Magistrate held any enquiry and took any evidence or at least examined the persons injured?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
"He made the necessary enquiry into the case and reported to the Government."

Mr. BASHEER AHMED SAYEED:—"Was the enquiry confined to police officials or were any witnesses present at the scene examined."

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
"I have nothing to add to what I have already stated."

Alleged ill-treatment of the women folk by the Police in Bezwada.

* 160 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(a) whether the Police of Bezwada ill-treated the women folk that took part in the Congress agitation in Bezwada between January and May 1932;

(b) whether it is a fact that tar and other irritant juices, and foul water mixed with pig refuse and other rubbish, chunam and chilli powder was splashed on the heads of Srimathis Cherukuri Viyyamma, Surappneni Annapurnamma and Yanigalla Laxmamma, who picketed the liquor shop at Garikiparru in the month of February 1932 and abused in filthy language by the Police and taken to distant places and let off at night;

(c) whether it is a fact that Srimathis Yekkala Punnamma, Thummala Satyarasamma and Kagarithi Laxmamma, who picketed the cloth shop at Bezwada from 1st March 1932 were harassed for full 12 days in the following manner:—

"Nobody was allowed to give them any food; they were chased from place to place and were not allowed to go and pass urine privately; dry cloths were snatched away from them and they were forced to be in wet cloths only. They were taken to the Nizam's territory, 90 miles away, by the Police and left there."

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(*d*) whether on 26th March 1932 and 27th March 1932 the Police arassed at Katur and abused in filthy language, Srimathis Lakshmiıntamma, Annapurnamma, Laxmamma, Ramamma, Varalaxmamma, adamma and Mikkilineni Laxmamma and dragged them and threw ıem into bandies and took them to distant places and let them off; and

(*e*) what action have the Government taken or propose to take in ıe matter?

A.—(*a*) The Government have no reason to suppose that the police of Bezwada have ill-treated women.

(*b*) No water containing deleterious matter was used in the dispersal of women nor have the Government any reason to suppose that the police behaved improperly in any other way.

(*c*) The allegations are untrue. The police did not prevent them from getting food. The Government have received no complaint that the ladies were taken to the Nizam's territory and left there.

(*d*) The Government have no reason to think that the allegations are well-founded.

(*e*) No action is necessary.

Alleged beating of Nagabhushanam by the Police of Bezwada on 13th March 1932 and 5th April 1932.

* 161 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home ember be pleased to state—

(*a*) whether on 13th March 1932 and 5th April 1932 a blind ıngressman, Bh. Nagabhushanam, who went about with the national g was beaten with lathis in Bezwada until he fell unconscious;

(*b*) whether the Police gave any medical assistance; if so, where was treated and by whom; and

(*c*) if so, will the hon. the Home Member be pleased to place copy of the statement of the said doctor showing the number and ture of the injuries received by him?

A.—(*a*) He was forcibly dispersed on 13th March 1932 when found in a defiant mob. There is no reason to suppose that on that day or on 5th April 1932 he was beaten with lathis in the manner indicated.

(*b*) & (*c*) The Government have no information.

Mr. ABDUL HAMEED KHAN:—" May I know from the hon. the ıme Member whether the significance of the term or phrase ' forcibly persed ' continues to have the same meaning? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " I do not understand the hon. Member."

Mr. ABDUL HAMEED KHAN:—" May I know whether the signifiıce of the phrase ' forcibly dispersed ' is the same to-day as it used be some months ago? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
"It was the same before, it is the same now and will be the same afterwards."

Alleged Police excess in Gudivada on 15th January 1932.

* 162-A *Q.*—Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR: With reference to the answer given to my question No. 1258, will the hon. the Home Member be pleased to state—

(*a*) who conducted the enquiry of this case, and whether the aggrieved parties were sent for and enquired and allowed to let in other evidence; and

(*b*) what the necessity was for the Subdivisional Magistrate accompanying the Police?

A.—(*a*) As a responsible Magistrate was himself present at the occurrence, no enquiry was made or was necessary.

(*b*) The Subdivisional Magistrate accompanied the police in the execution of his duty to prevent a breach of the peace.

Assault on Mikkilaneni Akkayya of Pedamaddali.

* 162-B *Q.*—Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR: With reference to the answer given to my question No. 1259, will the hon. the Home Member be pleased to state—

(*a*) who conducted the enquiry of this case, and whether the aggrieved parties were sent for and enquired and allowed to let in other evidence; and

(*b*) what the necessity was for the Subdivisional Magistrate accompanying the Police?

A.—(*a*) As a responsible Magistrate was himself present at the occurrence, no enquiry was made or was necessary.

(*b*) The Subdivisional Magistrate accompanied the Police in the execution of his duty to prevent a breach of the peace.

Representation from the lawyers of Bezwada regarding Police excesses.

* 163 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(*a*) whether he has received a copy of the statement or appeal of the lawyers of Bezwada, dated 14th July 1932, regarding the excesses of the police in Bezwada;

(*b*) if so, whether the Government will be pleased to place a copy of the same on the table of the House; and

(*c*) whether the Government propose to hold a public enquiry into the allegations contained in the same as prayed for?

A.—(*a*) Yes.

(*b*) A copy [a] is laid on the table.

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[a] Printed as Appendix I on pages 117–124 infra.

(c) The attention of the hon. Member is invited to the Government Press Communiqué No. 29, dated the 17th August 1932, a copy [a] of which is laid on the table of the House.

Communication to the District Superintendent of Police, Ramnad, regarding the use of lathis.

* 164 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state whether in a communication to the District Superintendent of Police of Ramnad district—

(a) the Inspector-General of Police sent a memorandum, dated 5th February 1932, on the subject of picketing and the use of lathis, giving instructions to make effective and forcible use of lathis against picketers determined to break the Ordinances;

(b) whether the Inspector-General of Police found fault with the Superintendent of Ramnad district for having used canes for dispersing picketers in the said memorandum;

(c) whether the Inspector-General of Police has directed in the said memorandum that canes should be used only against picketers who are likely to disperse but that lathis should be used with as great a force as possible against more determined picketers as directed in the *Police Gazette*, dated 2nd August 1931;

(d) whether copies of the said memorandum, dated 5th February 1932, were sent to all Superintendents of Police as instructions to be followed;

(e) whether the hon. the Home Member would be pleased to place a copy of the said memorandum, dated 5th February 1932, as well as a copy of the communication of the Superintendent of Police, Ramnad, in reply to which it was sent, on the table of the House;

(f) why the instructions contained in the said memorandum were issued in contravention of the orders of the Government to use minimum force; and

(g) what action have the Government taken or propose to take in the matter?

A.—(a) & (b) The hon. Member apparently refers to the Memorandum issued by the Inspector-General of Police on 5th April 1932 to the District Superintendent of Police, Ramnad. The incident which gave rise to that Memorandum was a riot in which a crowd of about 300 strong attacked a Police Inspector who, with a few constables, was escorting two arrested picketers. The police attempted to disperse the crowd by a light cane charge which was wholly inadequate to the situation. As a result, the Inspector was severely injured and his car damaged, some constables received injuries from stones and the prisoners were rescued. The Inspector-General had occasion to draw the attention of the District Superintendent of Police to the inadequacy of the action taken and the undue risks that were run in dealing with a formidable and disorderly crowd.

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[a] Printed as Appendix I on pages 117-124 infra.

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(c) The Memorandum relates to the action to be taken in dealing with unruly mobs and makes no reference whatever to picketers.

(d) Copies of the Memorandum, dated 5th April 1932, were sent to all District Superintendents of Police.

(e) The answers to clauses (a) to (c) contain the information required. The Government do not propose to place copies on the table of the House, as they are confidential.

(f) The instructions do not contravene the orders of the Government.

(g) No action is necessary.

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether the memorandum refers to the number of the crowd or the determined nature of the crowd of picketers? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " The memorandum deals with the action the Police should take on a ritous mob and formidable crowd."

Mr. U. C. SUBRAHMANYA BHATT:—" Is it not a fact that the memorandum states that canes are to be used only against picketers who are likely to disperse, but that lathis should be used against more determined picketers? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " As I have said, Sir, the Inspector-General's circular refers to the action to be taken by the Police in dealing with a riotous mob and a formidable crowd."

Police

Alleged Police interference with the Adi-Dravidas of Salem.

* 165 *Q.*—Rao Sahib V. I. MUNISWAMI PILLAI: Will the hon. the Home Member be pleased to state—

(a) whether the Government are aware that a quarrel arose during this month between the Adi-Dravidas and the Cinema advertising people in Carpetcherry, Salem, when the former were unwilling to stop the funeral music when the latter were passing by the side of the cheri;

(b) whether it is a fact that the proprietor of the Cinema company brought the Sub-Inspector Mr. Chandramuleswara Ayyar with a contingent of police who beat the Adi-Dravidas causing one to die and injuring 19 others;

(c) what action the Collector of the district took on a mahazar sent by the people of the village; and

(d) whether it is a fact that the hospital authorities who attended to the injuries in the first instance did not attend to the Adi-Dravidas subsequently?

A.—(a) The facts are reported to be as follows:—

On the 2nd July 1932, the Adi-Dravidas of Carpetcherry and Karipatti were preparing to celebrate the funeral of an Adi-Dravida woman. At about 4 p.m., a party

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of 8 or 10 Adi-Dravidas, while beating drums on their way to the cheri from the Ponnamapet toddy shop, met a double-bullock cart which was being taken round the town to advertise a cinema performance. The road at that point was narrow and the bandy-driver therefore requested the Adi-Dravidas to make room for the bandy to pass, whereupon the Adi-Dravidas who were all drunk abused him and beat him severely. The incident was reported to the Salem Town Police station at 4-45 p.m. Two head constables were immediately sent to the spot to ascertain the situation. Meanwhile, the Hindus of Ponnamapet who had witnessed the beating came in a body to drive off the assailants. Some of them were armed with sticks and appear to have given some blows to the Adi-Dravidas. Other Adi-Dravidas then sallied forth from the cheri and indulged in stone-throwing to which the caste Hindus replied. A few persons on both sides were injured but except in the case of one Adi-Dravida, the injuries were not serious. By this time the two head constables had reached the scene and, seeing the situation, one of them immediately went to the town station and brought two Sub-Inspectors and a body of men. On their arrival the crowd ran away and no forcible dispersal was necessary.

The injured persons were all sent to the hospital, where one Adi-Dravida, named Kuppuswami, died the next day as a result of the injury received.

A case was registered in respect of the death of Kuppuswami but as there was no evidence regarding the identity of his assailant it was treated as undetectable. There was no question of stopping the funeral music as the Adi-Dravidas who started the trouble were on their way from the toddy shop to the cheri, before the funeral procession had started.

(b) No. The Police did not beat the Adi-Dravidas nor cause the death of Kuppuswami. In a petition to the District Magistrate the Adi-Dravidas stated that "but for the prompt arrival of the Police and action of the Police on the scene they would have been subjected to untold annoyances."

(c) The Collector forwarded the mahazar to the District Superintendent of Police, Salem. The latter visited the spot immediately after the occurrence and arranged for the area to be patrolled. He could not take any action on the mahazar as the Adi-Dravidas were unable to name or identify any member of the opposite party.

(d) The hospital authorities made no difference between their treatment of the Adi-Dravidas and the caste people. It is reported that the treatment of the Adi-Dravidas at the hospital left nothing to be desired.

Rao Sahib V. I. Muniswami Pillai:—"In the answer to clause (*a*) it is stated that the Hindus of Ponnamapet who had witnessed the beating came in a body to drive off the assailants. May I know whether the Hindus reported this fact to the Police or the Adi-Dravidas?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"The reply that is given here is from the report of the District Magistrate."

Alleged interference by the Police in a labour meeting at Coimbatore.

* 166 *Q.*—Mr. V. M. Ramaswami Mudaliyar: Will the hon. the Home Member be pleased to state—

(*a*) whether there was an announcement of the holding of a labour meeting of the Textile workers at Coimbatore issued by Mr. Sunderaja Pillai, the Secretary of the Coimbatore Labour Union;

(*b*) whether it is a fact that a posse of Police constables headed by the Sub-Inspector of Police of the Coimbatore rural station went to the scene of the meeting and called upon the Secretary not to hold the meeting;

(*c*) whether on the Secretary's refusal the police posted themselves before the various mill gates and carried on a propaganda asking the workers not to attend the meeting; and

(*d*) whether it is the policy of the Government to prohibit labour meetings held to advance their interests?

A.—(*a*), (*b*) & (*c*) The Government have no information.
(*d*) No.

Administration of Justice

Rate of daily allowance to assessors attending Sessions Courts.

* 167 *Q.*—Mr. A. Ranganatha Mudaliyar: Will the hon. the Law Member be pleased to state the daily allowance paid to assessors who are required to attend sessions courts and whether the scale is fixed so as to meet the average daily expenses of the assessors?

A.—The attention of the hon. Member is invited to Rule 395 of the Criminal Rules of Practice (copy[a] annexed). The answer to the latter part of the question is in the negative.

Mr. A. Ranganatha Mudaliyar:—"If a reference is made to page 34 of the printed answers, it will be seen that jurors and assessors summoned to the Sessions court are to be paid at the rates admissible to third-class witnesses. I wish to ask the reason for presuming that all the jurors and assessors are eligible generally to third-class rates only."

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"There is no such presumption as is referred to by my Friend. The idea is that it is the duty of all people, and an honourable duty also, to assist the state in the administration of justice. It is not meant to be a compensation for the expenditure incurred."

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[a] Printed as Appendix II on page 124 infra.

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Mr. A. RANGANATHA MUDALIYAR:—" Does not the same principle hold good in the case of officials also? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" The official jurors are governed by separate rules. They are called off from their duty and therefore they are paid according to the Travelling Allowance rules."

Mr. A. RANGANATHA MUDALIYAR:—" Are not the non-officials called off from their duties which are as important as and even more important than those of the officials? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" The idea is that it is the duty of all citizens, and an honourable duty, to assist the State in the administration of justice."

Appointment of Honorary Presidency Magistrates.

* 168 *Q.*—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Law Member be pleased to state—

(*a*) how many Honorary Presidency Magistrates were appointed under the regime of the present Chief Presidency Magistrate;

(*b*) how many European Magistrates are now in the list as compared with the number five years ago;

(*c*) how many retired Government servants, such as Deputy Collectors, Sub-Judges and District Judges are now in the list and how many were there five years ago;

(*d*) what the general qualifications of the Honorary Presidency Magistrates are and what the basis is on which these appointments are made;

(*e*) whether there is any age-limit or qualification in reference to these appointments;

(*f*) how are the Magistrates who are appointed to act singly chosen and what their qualifications are;

(*g*) whether it is a fact that retired police inspectors have been appointed as Magistrates;

(*h*) whether it is a fact that appointment of retired inspectors as Magistrates were made only in 1930; if so, why; and

(*i*) whether the Chief Presidency Magistrate inspects the Bench Court; if so, how often?

A.—(*a*) 176.

(*b*) There are now five European Honorary Presidency Magistrates in the list; at the end of 1927 there were 2.

(*c*) There are now 23 in the list of which one is a retired Deputy Collector, the rest belong to different departments. At the end of 1927 the number was 20, of which one was a retired Deputy Collector and another a retired Sub-Judge.

(*d*), (*e*) & (*f*) No specific qualification or age-limit has been prescribed. A Committee consisting of the Collector of Madras (as President), the Chief Presidency Magistrate and the Commissioner of Police has been constituted to

draw up for each division of the city a panel of gentlemen who are qualified to be appointed Honorary Presidency Magistrates. The Chief Presidency Magistrate submits nominations out of this list, as vacancies occur, to the Government for consideration.

Honorary Magistrates of experience chosen and recommended to Government by the Chief Presidency Magistrate are empowered under section 18 (2), Criminal Procedure Code, to sit singly.

(*g*) Yes.

(*h*) The answer to the first part of the question is in the negative. The second part does not arise.

(*i*) The Chief Presidency Magistrate visits the Bench Courts whenever practicable and scrutinizes their calendars everyday.

Cinchona

Varieties of bark grown by the various plantations.

* 169 *Q.*—Mr. V. M. Ramaswami Mudaliyar: Will the hon. the Law Member be pleased to state—

(*a*) what the varieties of bark grown by the various plantations are and the percentage yield from the different kinds of the bark; and

(*b*) whether there is a fair prospect of an adequate return in regard to this investment?

A.—(*a*) *Naduvattam plantation.*—Mainly Cinchona robusta yielding about 7 per cent total alkaloids of which 4 per cent is quinine.

Dodabetta plantation.—Mainly Cinchona officinalis yielding about 6 per cent total alkaloids of which 4½ is quinine.

Anamalai plantation.—Mainly Cinchona ledgeriana yielding about 7 per cent total alkaloids of which 5½ per cent is quinine. Cinchona robusta, a vigorous growing type, is also being extensively grown in this plantation.

(*b*) The plantations on the Nilgiris have, during the last five years, not only paid interest on the capital invested but have also earned a profit. The Anamalais plantation has not yet reached a productive stage, but when it does it may be expected to yield a similar profit.

Civil Law

Appointment of Mr. Muhammad Abdul Gafoor as Kazi.

* 170 *Q.*—Sriman M. G. Patnaik Mahasayo: Will the hon. the Law Member be pleased to state—

(*a*) when Mr. Muhammad Abdul Gafoor, Munshi of Mrs. A.V.N. College, Vizagapatam, was appointed Kazi under section 2 of Act XII of 1880;

(*b*) whether he is a Hanafi or Shafi;

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(c) whether the Muslim population of the Vizagapatam local area consists of Hanafis or Shafis or both;

(d) whether it is a fact that a Hanafi Kazi under Muslim theology is not competent to act as Kazi for the Shafis;

(e) whether the Shafi Muslims of the local area have a Kazi of their own;

(f) whether the consultation prescribed under section 2 of Act XII of 1880 was made;

(g) if so, who the persons consulted are and what their status is and how many of them are Hanafis and how many of them are Shafis and who actually made the consultation;

(h) whether mahazars and copies of resolutions protesting against the appointment of Mr. Muhammad Abdul Gafoor as Kazi were received by the Government;

(i) if so, the action taken by the Government thereon;

(j) whether the Government ever considered the desirability of appointing two Kazis in view of the fact that the Muslims of the local area belong to two different sects;

(k) whether the Government will be pleased to place on the table the mahazars and resolutions and the report or reports received in regard to the appointment of the said Abdul Gafoor;

(l) whether it is a fact that Mr. Muhammad Abdul Gafoor petitioned the District Collector, Vizagapatam, that as the Muslim community of Vizagapatam did not recognize him as Kazi and make use of his services as Kazi, he (the District Collector) should direct the Muslims to utilize his services as Kazi;

(m) the action taken thereupon by the Collector; and

(n) if the aforesaid information is not available with the Government, whether they will be pleased to call for the same?

A.—(a) The attention of the hon. Member is invited to Notification No. 83, dated 1st February 1932, published at page 316 of Part I of *Fort St. George Gazette*, dated 9th February 1932.

(b) He is a Hanafi.

(c) The Muslim population of the Vizagapatam town consists of three sects, viz., (1) the Hanafis, (2) the Shafis and (3) the Ahle-Hadis.

(d) The Government have no information.

(e) Yes, after October 1931, they nominated a Shafi as their Kazi.

(f) Yes.

(g) A conference of some of the important educated Muhammadan gentlemen of Vizagapatam was called by the Sub-divisional Magistrate, Vizagapatam. The Government have no detailed information about the members.

(h) & (i) Yes, and they were duly considered.

(j) No.

(k) The Government are not prepared to do so.

(*l*), (*m*) & (*n*) A petition was received by the Collector and District Magistrate, Vizagapatam, from the Kazi complaining of the activities of his rivals but no action was taken on it.

Electricity

Income and Expenditure of the Pykara Scheme.

* 171 *Q.*—Mr. Abdul Hameed Khan: Will the hon. the Law Member be pleased to state whether the Government have made up a programme of expenditure and income from the Pykara scheme for the next five years 1932–37 and, if so, to state the figures under the following heads for each year:—

(i) total capital invested up to 1st April;
(ii) total capital invested during the year;
(iii) total revenue receipts anticipated;
(iv) total revenue expenditure;
(v) total amount debitable to interest and sinking fund and depreciation accounts; and
(vi) net profit or loss anticipated for the year ?

A.—Yes.

(i) Up to 1st April 1932—Rs. 88·23 lakhs.
(ii) Capital expenditure incurred during the year 1931–32—Rs. 50·83 lakhs.
Budget estimate for 1932–33—26·85 lakhs.
(iii) *to* (vi) Vide statement[a] attached.

Amounts paid to European concerns to buy off the Pykara area.

* 172 *Q.*—Mr. Abdul Hameed Khan: Will the hon. the Law Member be pleased to state—

(*a*) what amounts have been paid by the Government to various European concerns to buy off the Pykara area; and
(*b*) what the interests so bought off up to date are and at what cost ?

A.—(*a*) & (*b*) The hon. Member's question is not clear. If he refers to the rights which were once granted to certain private parties to develop electric power from the waters of the Pykara and which rights the Government repurchased, the answer is: Messrs. B. D. Richards and Alfred Dickinson, London, on behalf of a syndicate formed of themselves and Messrs. Balfour Beatty and Company, Limited, London, and The General Electric Company, Limited, London, held, under a concession granted to them by the Government in 1922, an exclusive right to the use of the waters of the Pykara and Avrihalla rivers in the Nilgiris for developing electric power for industrial purposes. In 1925 the concession was repurchased by Government from the parties for a sum of

a Printed as Appendix III on page 125 infra.

£10,000 in pursuance of the policy decided upon by the Government that all hydro-electric projects should, as far as possible, be worked as State undertakings. It may be added that this sum was voted by the Legislative Council at its meeting held on the 18th December 1925.

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR :—" May I know whether, in addition to the four lakhs and odd paid to the Company, the Government have undertaken to purchase all the materials required for the construction of the works from the Power Securities Corporation? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I beg your pardon. That has nothing to do with this question. The question is what the interests bought off up to date are and so on. The Power Securities Corporation has nothing to do with it, Sir."

Mr. BASHEER AHMED SAYEED :—" May I ask whether the Government have introduced the commercial system of accounting in the Pykara Hydro-electric Scheme? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Notice."

Commission paid to the Pykara Supply Company, Limited.

* 173 *Q.*—Mr. ABDUL HAMEED KHAN: Will the hon. the Law Member be pleased to state—

(*a*) what the total amount paid to the Pykara Supply Company, Limited, as commission or otherwise is since the commencement of the Pykara scheme up to 31st March 1932; and

(*b*) what proportion this amount bears to the total capital expended on the Pykara construction ?

A.—(*a*) By 'the Pykara Supply Company' the hon. Member apparently refers to the Power Securities Corporation. A sum of Rs. 4,00,570 has been paid to it up to 31st March 1932.

(*b*) About 4·54 per cent.

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR :—" What is the necessity to pay a commission of Rs. 4 lakhs and odd to the Pykara Supply Company, Sir? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" As a matter of fact, a contract has been entered into with that Company by the Government and according to that contract this Power Securities Corporation has to perform certain duties, and it is also stated in the contract that for performing those duties they have to be paid a particular commission."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR :—" May I know whether in purchasing these articles tenders have been called for? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" In fact that Company is required to purchase materials at the lowest possible price."

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Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know if these prices have been verified by the Government, to be the lowest?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" The Chief Engineer for Electricity carefully goes through these prices before they are finally accepted by the Government."

Mr. ABDUL HAMEED KHAN:—" May I know how the Chief Engineer satisfies himself that they are the lowest rates?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Because he is a man well acquainted with the details of the machinery used for that purpose."

Mr. ABDUL HAMEED KHAN:—" Does he conduct any competition there in regard to tenders, or does he take for granted the correctness of the fact that they are the lowest?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" The details of the method of examination are left to him."

Importation of German engineers for the construction of the hydraulic pipes.

* 174 *Q.*—Mr. ABDUL HAMEED KHAN: Will the hon. the Law Member be pleased to state—

(*a*) whether there has arisen the necessity to import some German engineers for constructing the hydraulic pipes;

(*b*) how many such German engineers have been brought to Pykara and what salaries and travelling allowances have been paid to them;

(*c*) what the total cost is of the German establishment; and

(*d*) what commission has been paid or is payable to the Pykara Supply Company, Limited, for the importation of these German engineers and on the salaries and travelling allowances paid to them?

A.—(*a*) Yes, the penstock pipes have been erected by German engineers from the works of the Penstock manufacturers, semi-skilled and unskilled labour being provided locally.

(*b*) One Engineer and two fitters. The salaries are £3-10-0 per day for the Engineer, £2-10-0 per day for each of the fitters and £342 travelling expenses.

(*c*) The total cost of the staff in (*b*) is expected to be about £3,750 exclusive of the commission payable to the Power Securities Corporation.

(*d*) By " Pykara Supply Company " the hon. Member presumably refers to the Power Securities Corporation. The Commission payable to them is £375.

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether the Pykara Supply Company was paid any commission for the purchase of the hydraulic pipes referred to in this question?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Notice."

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Interest held by the Engineers of the Pykara scheme in the Pykara Supply Company, Limited.

* 175 *Q.*—Mr. ABDUL HAMEED KHAN: Will the hon. the Law Member be pleased to state whether any of the engineers of the Pykara scheme or their near relations hold any shares or have any interest in the Pykara Supply Company, Limited ?

A.—It is presumed that by the Pykara Supply Company, Limited, the hon. Member is referring to the Power Securities Corporation, Limited. None of the engineers employed on the Pykara Hydro-Electric scheme or their near relations hold any shares or have any interest in the said Corporation.

Terms of the licence granted to Messrs. Octavius Steel Company for the distribution of electric energy at Erode and Salem.

* 176 *Q.*—Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR: Will the hon. the Law Member be pleased

(1) to lay on the table of the House a copy of the terms and conditions on which the licence for the distribution of electric energy at Erode and Salem has been granted to Messrs. Octavius Steel Company; and

(2) to state—

(*a*) whether one of the conditions of such licence is that in calculating the demand and service charges payable by the firm to the Government, the total consumption of electric energy in both the places should be taken into consideration; and

(*b*) if the answer to clause (*a*) is in the negative, whether such charges have to be claimed on the consumption of each town separately?

A.—(1) The attention of the hon. Member is invited to pages 34 to 40 of Part I of the *Fort St. George Gazette,* dated 6th January 1931, in which the licence is published in full.

(2) (*a*) No.
(*b*) Yes.

Supply of electric energy to Erode by Messrs. Octavius Steel Company.

* 177 *Q.*—Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR: Will the hon. the Law Member be pleased to state—

(*a*) if Messrs. Octavius Steel Company have signed the agreement for the supply of electricity to the town of Erode and, if so, on what date;

(*b*) the rates at which energy is supplied to the company and whether any minimum quantity to be taken has been fixed;

(*c*) the rates at which energy is supplied by the company to the consumers for different purposes;

(*d*) the number of units or K.Ws. so far supplied to the company; and

(*e*) if any claim has been made by the Hydro-Electric Development Department for the energy so far supplied?

A.—(*a*) Yes. On 24th January 1931.

(*b*) The information required by the hon. Member is contained in clauses 18, 19 and 20 of the power agreement executed by the company which forms the fourth annexure to the Salem and Erode Electric Licence, 1931, published on pages 34–60 of Part I of the *Fort St. George Gazette*, dated 6th January 1931.

(*c*) The hon. Member's attention is invited to the company's booklet of conditions, rates, etc., which is available for sale to the public.

(*d*) Number of units supplied to the company from May (supply commenced on 3rd May 1932) to end of July is 9,627.

(*e*) Amount claimed till end of July is Rs. 788-8-0.

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know whether the Government have made any profit out of this transaction? Or have they incurred any loss?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It is not likely that the Government have incurred any loss. Whether they have made any profit I shall be able to tell my Friend if he puts a separate question; I shall make enquiries."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"The quantity of energy supplied by the company is only 9,627 units. What is the quantity for which the Government have paid rates to the Mysore Government?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Notice."

Irrigation

Cauvery-Mettur Project.

* 178 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Member for Revenue be pleased to state—

(*a*) at what stage the construction of the Cauvery-Mettur Project is;

(*b*) what the amount spent on it till now is;

(*c*) when the work is expected to be completed; and

(*d*) what will be the ultimate cost of constructing the said dam?

A.—(*a*) A copy [a] of the progress report for the quarter ending 30th June 1932 is laid on the table.

(*b*) About Rs. $5\frac{1}{2}$ crores.

(*c*) It is expected that the works will be completed in 1934.

(*d*) According to the latest estimate the cost of the concrete and masonry dam alone is likely to be Rs. 2·12 crores.

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[a] Printed as Appendix IV on pages 126–130 infra.

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Vehicular traffic over the Cauvery bridge at Mettur.

* 179 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether vehicular and pedestrian traffic is allowed freely on the bridge over the Cauvery at Mettur;

(*b*) whether it is allowed at all times or at limited hours; and

(*c*) if the answer to clause (*a*) be in the negative, what the reasons are for not allowing such traffic on the bridge?

A.—(*a*) & (*b*) The bridge is not allowed free for use by the public, whether vehicular or pedestrian.

(*c*) The bridge carries two rail tracks, and, during the period of construction of the dam, trains will be crossing it continuously during the day. It cannot be thrown open to the public without danger to the people. In the interests of the project work, it is essential that the bridge is kept as clear as possible of non-project traffic till the dam is finished.

Rate of water-tax paid by the Madras Corporation.

* 180 *Q.*—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether it is a fact that the Government in the proceedings No. 2327 of 17th July 1869, ordered that a rate of Re. 1 per 1,000 cubic yards or 27,000 cubic feet of water supplied to the Madras Municipality should be levied since the Municipality declined the offer of joint proprietorship and elected to become a customer;

(*b*) whether water-tax is now being levied from the Madras Corporation on the actual quantities removed from the reservoir at the rate fixed by Government in 1869;

(*c*) what the water-tax paid to the Government by the Madras Corporation was during the year 1928–29, 1929–30 and 1930–31;

(*d*) whether any orders have been issued by the Government modifying the rate fixed in 1869; and

(*e*) whether the rate of Re. 1 fixed per 1,000 cubic yards on the quantity of water actually removed from the reservoir should not be collected in full from the Corporation?

A.—(*a*), (*b*) & (*e*) Yes.

(*c*) Rupees 33,368; 40,966; 40,397.

(*d*) No.

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether the amounts referred to in the answer to clause (*c*) cover the entire amount calculated at the rate of Re. 1 per thousand cubic yards, Sir? "

The hon. Sir ARCHIBALD CAMPBELL:—" I believe so, Sir."

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Failure of water in the Raja Channel and Komarapalayam Channel.

* 181 *Q.*—Mr. K. A. Nachiyappa Goundar: "Will the hon. the Member for Revenue be pleased to state—

(*a*) whether it is a fact that water in the Raja Channel and Komarapalayam Channel, in Namakkal taluk of Salem district, has absolutely failed for a period of more than a month and a half at a stretch;

(*b*) if so, what the causes are for such a failure;

(*c*) what will be the total approximate loss to the ryots of those parts by such a failure; and

(*d*) what remedy the Government propose to give to these affected ryots.

A.—(*a*), (*b*), (*c*) & (*d*) The attention of the hon. Member is invited to the answer given at the meeting held on 26th February 1932 to question No. 904. It is expected that the supply to the channels will improve after the Cauvery-Mettur Project is completed.

Construction of a masonry work across the Cauvery at Jedarpalayam.

* 182 *Q.*—Mr. K. A. Nachiyappa Goundar: "Will the hon. the Member for Revenue be pleased to state—

(*a*) whether there is any proposal to construct any masonry work across the Cauvery at Jedarpalayam in Namakkal taluk, Salem district, for the purpose of diverting water into the channel for irrigation purposes;

(*b*) if so, at what stage it is;

(*c*) whether the Government are aware that the present construction of temporary korambu there gives a lot of trouble, and is often washed away, and entails much loss to the ryots; and

(*d*) what measures the Government propose to take to ensure a steady supply of water in the channels?

A.—(*a*) & (*b*) The answer is in the negative.

(*c*) The Government are not aware that the facts are as suggested.

(*d*) It is expected that the channel will receive a constant and larger supply throughout the irrigation season after the completion of the Cauvery-Mettur Project.

Correspondence regarding transfer from dry to wet and water-rate cultivation in Elundrakondon village in the years 1930–32.

* 183 *Q.*—Mr. M. Devadasan: Will the hon. the Member for Revenue be pleased to place on the Council table the final orders, if any, passed by the Board of Revenue and referred to in answer to question 1047, dated 18th March 1932, and also copies or summary of the correspondence between the Collector and the Executive Engineer in the matter of transfer from dry to wet and water-rate cultivation in Elundrakondon village in the years 1930 to 1932?

A.—A copy [a] of Board's Proceedings Mis. No. 2578, dated 30th August 1932, with the Collector's report on which it was passed is attached.

Retransfer from wet to dry of certain lands in Elundrakondon village.

* 184 *Q.*—Mr. M. DEVADASAN: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether it is proposed to retransfer to dry from wet any of the lands in the Elundrakondon village transferred to wet in fasli 1340, and if so, the reasons therefor;

(*b*) whether it is a fact that the Sub-Collector and Tahsildar recommended *suo motu* transfer of lands from dry to wet in fasli 1340; if so, what were the grounds urged by them in favour of the transfer; and

(*c*) whether there is any rule or standing order requiring that dry lands transferred to wet and which were not under water-rate cultivation for five normal years should be retransferred to dry?

A.—(*a*) The transfer of 24·95 acres of dry lands to wet was sanctioned by the Collector in fasli 1340. It is not proposed to retransfer these lands to dry.

(*b*) The Government have not the information.

(*c*) There is no such rule or standing order.

Mr. M. DEVADASAN:—"With reference to the answer to clause (*b*), may I ask whether the Government will be pleased to call for the information?"

The hon. Sir ARCHIBALAD CAMPBELL:—"Yes; Sir."

Pounds and Prevention of Cattle Trespass.

Increase of fines levied for release of impounded animals.

* 185 *Q.*—Mr. A RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the Government have generally raised the fines to be paid for release of impounded animals and if so, by what percentage;

(*b*) whether they have reduced the commission payable to the pound-keepers with reference to the pound fees collected and remitted to the treasury and if so, by how much; and

(*c*) whether the Government invited the criticisms of the public and of the pound-keepers before they effected the changes, if any, referred to above and if they did not, why not?

A.—(*a*) With effect from the 1st July 1932, the fines leviable for cattle impounded under the *Cattle Trespass Act* were increased by 50 per cent in areas where the scale of fines prescribed in section 12 of the Act as it stood prior to the amending Act XVII of 1921, was in force. In areas where the scale had already been enhanced by 50 per cent or more the rates have not been increased.

[a] Printed as Appendix V on pages 130–133 infra.

(b) With effect from the same date, the commission payable to pound-keepers has been fixed at $33\frac{1}{3}$ per cent of the fines collected, subject to a maximum of Rs. 20 per mensem, instead of 50 per cent as before. This alteration will not necessarily operate as a reduction in the amount payable to the pound-keepers.

(c) No. The orders of the Government were passed on a recommendation of the Retrenchment Committee which proposed an increase of the fines by 100 per cent. The Government saw no necessity for inviting the criticisms of the public and of pound-keepers.

Mr. A. RANGANATHA MUDALIYAR :—" May I know whether the reduction of the commission payable to the pound-keepers is also the recommendation of the Retrenchment Committee? "

The hon. Sir ARCHIBALD CAMPBELL :—" I should like to have notice of the question."

Central Record Office

Communal representation in the Madras Record Office.

* 186 Q.—Mr. M. A. MANIKKAVELU NAYAKAR : Will the hon. the Member for Finance be pleased to state—

(a) whether it is a fact that the Curator issued in April 1931 an office order preferring non-Brahmans to Brahmans in every grade of the office till the number of Brahmans in each grade is reduced to 50 per cent ; and

(b) whether this office order was subsequently cancelled by the Curator on the ground that it is superseded by G.O. No. 712, Public (Services), dated 2nd July 1929, and G.O. No. 686, Public (Services), dated 19th June 1931?

A.—(a) Yes.

(b) Yes. The office order of the Curator had to be cancelled, as it was inconsistent with the statutory rule for communal rotation for appointments in subordinate services.

Mr. M. A. MANIKKAVELU NAYAKAR :—" May I know, Sir, how long it would take to raise the non-Brahman representation to 50 per cent by observing the statutory rule of communal rotation? "

The hon. Mr. H. G. STOKES :—" That depends on the occurrence of vacancies. I am afraid I am not able to prophesy as to which people will live or die and when."

Communal representation in the Madras Record Office.

* 187 Q.—Mr. BASHEER AHMED SAYEED : Will the hon. the Member for Finance be pleased to state—

(a) whether it is a fact that the Curator of the Madras Record Office was directed to issue in April 1931 an office order preferring non-Brahmans to Brahmans as and when vacancies arise, till the number of Brahmans in each grade of the office is reduced to 50 per cent;

(*b*) whether the order was issued as a result of Government committing themselves to such a policy;

(*c*) whether this order was subsequently cancelled by the Curator;

(*d*) whether the Government were consulted in the cancellation of the order; and

(*e*) whether the question of restoration of the order is under the consideration of the Government?

A.—(*a*) & (*b*) The attention of the hon. Member is invited to the answer given to clause (*c*) of question No. 478 at the meeting of the Legislative Council on 28th February 1931. The Curator issued an office order in April 1931 with a view to ensure that the claims of non-Brahmans were not overlooked.

(*c*) Yes.

(*d*) No.

(*e*) No. The statutory rules issued for the Madras Ministerial Service will govern all the Ministerial appointments including those in the Madras Record Office.

Mr. Basheer Ahmed Sayeed :—" May I ask, Sir, whether the Government are satisfied that, ever since the cancellation of that office order, communal rotation is being given effect to in the appointments in the Record Office?"

The hon. Mr. H. G. Stokes :—" I have no information on the subject. The Government have no reason to suppose that it is not being given effect to."

Mr. Basheer Ahmed Sayeed :—" In view of the fact that the office order was issued without consulting the Government and that the Government had to cancel it later on, may I know whether the Government proposes to see that communal rotation is adhered to in the Record Office?"

The hon. Mr. H. G. Stokes :—" The Record Office is now governed by the statutory rules on the subject of communal rotation, and the Government have no reason to suppose that those rules are not being or will not be worked properly."

Mr. Basheer Ahmed Sayeed :—" May I know from what date communal rotation is enforced in the Record Office?"

The hon. Mr. H. G. Stokes :—" I must ask for notice of the question."

Mr. Basheer Ahmed Sayeed :—" May I know whether any explanation was called for from the Curator for having issued that order contravening the communal Government Order?"

The hon. Mr. H. G. Stokes :—" No."

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List of establishment of the Madras Record Office.

* 188 *Q.*—Mr. Basheer Ahmed Sayeed: Will the hon. the Member for Finance be pleased to state—

(*a*) the number of permanent and temporary posts in the Madras Record Office on 1st April 1931;

(*b*) the number of Brahmans and non-Brahmans in those posts; and

(*c*) when the next permanent vacancy arises?

A.—(*a*) & (*b*) A statement[a] is laid on the table.

(*c*) There is a permanent vacancy of an attender in the scale of Rs. 23—35 from 27th August 1932 and of a referencer from 22nd September 1932, due to the retirement of the permanent incumbents.

Posts and Telegraphs

Absence of telegraphic connexion between Tindivanam and Gingee.

* 189 *Q.*—Mr. Basheer Ahmed Sayeed: Will the hon. the Member for Finance be pleased to state—

(*a*) whether it is a fact that there is no telegraphic connexion between Tindivanam and Gingee in the district of South Arcot;

(*b*) whether any money paid by the public for the above purpose is lying with the Government, and if so, what the amount originally paid was and what the interest accrued due thereon is; and

(*c*) when the Government propose to carry out this work and whether the same will be expedited?

A.—(*a*) Yes.

(*b*) A sum of Rs. 240 was collected from certain inhabitants of Gingee, Chettipalayam and Minamur and placed in deposit in 1914 towards the guarantee furnished by them for the opening of a telegraph office at Gingee. The office was not opened owing to increased cost and the higher guarantee which was demanded was not given. In 1927, the Government directed that the amount originally collected should be refunded to those who had paid it or to their heirs. A sum of Rs. 122 was refunded to the parties concerned in May 1929 and a sum of Rs. 2 remains undisbursed owing to dispute between two brothers as to who should receive it. The balance of Rs. 116 is in deposit with the Postal Department as the claimants for the same could not be got at. No interest is admissible on the amount in deposit.

(*c*) The question has been deferred for the present as the Postal Department has reported that the line involves heavy initial outlay on the engineering side.

Mr. Basheer Ahmed Sayeed:—" May I know whether the Government are aware that the public and the local bodies recently

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[a] Printed as Appendix VI on page 134 infra.

constituted are put to great inconvenience on account of the absence of telegraphic communication and whether the Government propose to redress this grievance?"

The hon. Mr. H. G. STOKES :—" It does not lie with this Government to redress the grievance. We do not know if the Telegraph Department would incur the necessary expenditure or whether they have the money to do it."

Mr. BASHEER AHMED SAYEED :—" May I ask whether the Government finds insuperable difficulties in providing that small amount required for initial outlay?"

The hon. Mr. H. G. STOKES :—" The amount is not to be provided by this Government."

Local Self-Government

Scrutinization of the financial position of the local bodies in the Presidency.

* 190 *Q.*—Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether any officer has been placed on special duty to scrutinize the financial position of the local bodies in the Presidency and to report on it; and if so, for what period;

(*b*) whether he has scrutinized the accounts of any of the local bodies and, if so, whether the hon. the Minister will be pleased to furnish the names of such local bodies; and

(*c*) whether the hon. Minister will be pleased to lay on the table of the House, the reports received from him so far and the orders of the Government thereon?

A.—(*a*) Yes. Mr. T. Sivaramasetu Pillai of the Indian Audit and Accounts Service has been appointed on special duty for a period of six months from 7th May 1932.

(*b*) The special officer has so far scrutinized the accounts of the local bodies mentioned below:—

(*a*) *District boards.*

1. The Nilgiris.	5. South Kanara.
2. Coimbatore.	6. Salem.
3. North Arcot.	7. Chittoor.
4. Malabar.	8. Nellore.

(*b*) *Municipal councils.*

1. Ootacamund.	10. Salem.
2. Mangalore.	11. Erode.
3. Conjeeveram.	12. Saidapet.
4. Calicut.	13. Coimbatore.
5. Chingleput.	14. Pollachi.
6. Tiruvannamalai.	15. Chittoor.
7. Walajapet.	16. Nellore.
8. Vaniyambadi.	17. Chirala.
9. Vellore.	

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(c) Taluk boards.

(1) Taluk boards formed or to be formed by the bifurcation of the following taluk boards:—

District and name of taluk board.

North Arcot—	Coimbatore—*cont.*
1. Vellore.	14. Pollachi.
2. Ranipet.	15. Gobichettipalaiyam.
3. Cheyyar.	Chingleput—
4. Tiruvannamalai.	16. Chingleput.
5. Tiruppattur.	17. Saidapet.
Malabar—	18. Tiruvallur.
6. Calicut.	Chittoor—
Salem—	19. Chittoor.
7. Salem.	20. Chendragiri.
8. Hosur.	21. Madanapalle.
9. Dharmapuri.	22. Karvetnagar.
10. Sankari.	Nellore—
11. Namakkal.	23. Atmakur.
Coimbatore—	24. Gudur.
12. Coimbatore.	25. Kanigiri.
13. Erode.	26. Venkatagiri.

(2) Taluk boards to be constituted for the following revenue taluks:—

Malabar—

(1) Chirakkal.

(2) Kottayam.

(c) In view of the large expenditure involved, the Government do not consider it necessary to print the reports. Type-written copies of the reports and of the orders of the Government thereon will be kept in the Legislative Council library for reference of Members.

30 m. Diwan Bahadur C. S. Ratnasabhapati Mudaliyar:—"May I know, Sir, whether the scrutiny is to be in the case of local bodies whose finances are bad?"

The hon. Diwan Bahadur B. Muniswami Nayudu:—"Yes, Sir."

Diwan Bahadur C. S. Ratnasabhapati Mudaliyar:—"For what period do they propose to extend the term of the Special Officer?"

The hon. Diwan Bahadur B. Muniswami Nayudu:—"It is proposed to extend the period for a month. The question of further extension will be considered after this."

Alleged interference of the Government in the matter of the dismissal of the Superintendent of the Water Works, Ootacamund Municipality.

* 191 *Q.*—Mr. V. T. Arasu: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Superintendent of the Water Works of the Ootacamund Municipality was dismissed from service about the end of January last;

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(*b*) whether the Government by means of an executive order have directed the said municipality to reinstate him in his place; and

(*c*) if so, what the reasons are for the interference of the Government?

A.—(*a*) & (*b*) Yes.

(*c*) The Water Works Superintendent of the Ootacamund Municipal Council appealed to the Government against the decision of the Appeal Committee confirming the order of the Chairman dismissing him from service. The Government admitted the appeal under the rules relating to the appointment and punishment of municipal servants and they set aside the order of dismissal after considering the merits of the case.

Mr. V. T. ARASU :—" May I know whether it is a fact that the Superintendent of the Water Works of the Ootacamund Municipality was found guilty and consequently dismissed from service?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" Notice."

Mr. V. T. ARASU :—" May I know whether the hon. Minister will be in a position to state why the Government have found it necessary to issue three orders in respect of this case?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" Notice."

Mr. V. T. ARASU :—" May I know if it is a fact that on 3rd June 1932 Government issued an order to the chairman asking him to state the reason why he was dismissed and again on 11th July 1932 saying that he may be retired and again on 2nd August 1932 saying that he may be reinstated? "

The hon. the PRESIDENT :—" Is the hon. Member giving information?"

Mr. V. T. ARASU :—" I want to know if these are the facts."

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" The facts are as stated by the hon. Member. The main object of the subsequent correspondence is to restore the subsequent pay."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR :—" May I know if the office was not abolished by subsequent order of the Council?"

Mr. V. T. ARASU :—" Was the order serious enough to be taken notice of by Government?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" The matter came on appeal."

Mr. V. T. ARASU :—" Is it a fact that he was dismissed after a thorough enquiry and after a special enquiry?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" Whether the enquiry was thorough or not is a matter of opinion."

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Financial liabilities of the Malabar District Board on account of its assumption of the administration of the Chirakkal Taluk Board.

* 192-A *Q.*—B. POCKER SAHIB Bahadur: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that the Malabar District Board by virtue of its having taken up the administration of the Chirakkal Taluk Board is liable to pay a sum of Rs. 8,000 and Rs. 13,000 to the Municipal Councils of Cannanore and Tellicherry, respectively;

(*b*) whether it is a fact that the Government issued orders Ms. No. 1842, P.H., dated 28th July 1930, in accordance with the recommendations of the Inspector of Local Boards after local enquiry that the District Board should pay the said amounts to the respective municipal councils;

(*c*) whether it is a fact that the Government have subsequently issued order Ms. No. 2022, P.H., dated 22nd October 1931, directing that the said amount should be written off; and if so, what the reasons are which made the Government issue the subsequent order in contravention of its own previous order;

(*d*) whether it is a fact that the said liabilities were fixed and accepted at a joint meeting of the local bodies concerned presided over by the Inspector of Local Boards and Panchayats;

(*e*) whether proposals have been made by the said municipal councils offering to receive the said dues by easy instalments from the Malabar District Board instead of in a lump sum; and

(*f*) if so, whether the Government propose to reconsider its latest order?

A.—(*a*) No. Section 6 (2) of the Madras Local Boards Act, 1920, as it stood before it was amended by the Madras Local Boards (Amendment) Act, 1930 (Madras Act XI of 1930), did not impose any liability on the District Board to pay from *its own funds* any liabilities of the Taluk Board which had been abolished. The Taluk Board was bankrupt when it was abolished and there were no assets of the Taluk Board from which the liability could be met.

(*b*) No. The municipal councils were informed that they should address the President, District Board, Malabar, for the payment of the arrears of contribution due to them from the Chirakkal Taluk Board.

(*c*) Yes. The reasons are given in the answer to clause (*a*).

(*d*) Joint Committees of representatives of the Taluk Board and the municipal councils decided in 1928 that the Board should pay the following contributions to the two municipal councils for the periods from 1926–27 to 30th April 1928:—

Cannanore Municipal Council—Rs. 7,287–7–2.

Tellicherry Municipal Council—Rs. 13,664 plus interest at 6 per cent per annum.

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The Inspector of Municipal Councils and Local Boards was not present at the meetings. The principles on which the rates of contributions should be fixed were settled in 1925 at Joint Committee meetings of the local bodies at which the Inspector of Municipal Councils and Local Boards was present.

(*e*) & (*f*) No. No resolutions of the municipal councils in regard to recovery of dues from the *District Board* in easy instalments have been received by the Government.

B. POCKER SAHIB Bahadur:—" May I know whether the order issued under sub-clause (*c*) is not in contravention to the sub-clause (*a*)? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" There was no contravention. It was said that the Malabar District Board should pay the liabilities. On further consideration it was found there was no assets of the taluk board from which the liability could be met."

B. POCKER SAHIB Bahadur:—" When the first order was passed did not the Government consider all aspects of the question? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" Evidently this aspect was not considered."

Financial liability of the Malabar District Board to the Municipal Councils of Cannanore and Tellicherry.

* 192-B *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that a sum of Rs. 8,000 and Rs. 13,000 respectively due to the Municipal Councils of Cannanore and Tellicherry from the Chirakkal Taluk Board was ordered to be paid to them by the order of the Government Ms. No. 1842, P.H., dated 28th July 1930, as recommended by the Inspector of Local Boards after enquiry; and

(*b*) whether it is a fact that the Government have by their order, dated 22nd October 1931, Ms. No. 2022, P.H., ordered the same to be written off contrary to their previous order; if so, why and under what circumstances has the subsequent order been passed?

A.—(*a*) & (*b*) The hon. Member is referred to the answer to question No. 192-A.

Muhammadan Middle School, Nandyal.

* 193 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether, during the last six years, various District Educational Officers recommended the closure of the Muhammadan Middle School, Nandyal Municipality, and if so, for what reasons, and how many of the recommending officers were Muhammadans; and

(*b*) whether the school was closed as recommended by the District Educational Officer, and if so, when, and if not, why not?

A.—(*a*) & (*b*) No District Educational Officer recommended the closure of the school during the last six years. They all, however, commented adversely on its working because of its poor strength and accommodation, the lack of enthusiasm of its staff and the indifference of the public to it.

Mr. Basheer Ahmed Sayeed:—" May I know what steps Government propose to take to improve the condition of the school and to make the staff more enthusiastic and also to give more accommodation ? "

The hon. Diwan Bahadur B. Muniswami Nayudu:—" It is for the municipal council to do them."

Mr. Basheer Ahmed Sayeed:—" May I ask whether the Government have enquired from the municipality as to what exactly are the reasons for the falling strength in the school? "

The hon. Diwan Bahadur B. Muniswami Nayudu:—" I cannot say now; I shall give the answer in a week."

Acquisition of playground for the Municipal High School, Nandyal.

* 194 *Q.*—Mr. A. Ranganatha Mudaliyar: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) when the playground was acquired for the use of the Municipal High School, Nandyal, together with the cost of its acquisition and the amount, if any, contributed by the Government towards its acquisition; and

(*b*) whether the said playground had been in the occupation of a number of ryots with their rick-yards, manure pits, etc., and if so, whether the Government got such occupation vacated before they handed over the site to the Municipality and if not, why not ?

A.—(*a*) Some lands acquired in Nandyal village in 1926 for the extension of the compounds of the Municipal Girls' School and High School are now being used for a playground; the amount of compensation awarded was Rs. 4,860; no amount was contributed by the Government towards the cost of acquisition.

(*b*) Yes; most of the sites were vacated before the land was handed over to the Municipal Council; in a few cases, however, the Chairman permitted the occupiers to remain for a few months as they could not remove their rick-yards and manure pits for want of other suitable sites. These were subsequently removed by the owners themselves and the entire plot is now being used as a playground.

Diversion of the elementary education fund by the Erode Municipal Council.

* 195 *Q.*—Diwan Bahadur C. S. Ratnasabhapati Mudaliyar: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether any portion of the elementary education fund of the Erode Municipal Council has been diverted for general purposes;

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(*b*) if so, in which year the diversion was made;

(*c*) whether the general fund balance will permit of the repayment of the sum to the elementary education fund; and

(*d*) whether the Chairman, Municipal Council, Erode, has addressed the Government to condone the diversion of the elementary education fund for general purposes?

A.—(*a*) Yes: Rs. 17,800.

(*b*) In 1928–29 and 1929–30.

(*c*) Yes: in instalments.

(*d*) Yes.

Diwan Bahadur C. S. Ratnasabhapati Mudaliyar:—" May I know, with reference to (*c*), whether the special officer has scrutinized the accounts and has reported that the diversion amount can be repaid ? "

The hon. Diwan Bahadur B. Muniswami Nayudu:—" Notice."

Mr. Basheer Ahmed Sayeed:—" May I know if the position of general account will permit of the repayment ? "

The hon. Diwan Bahadur B. Muniswami Nayudu:—" Notice."

Diwan Bahadur C. S. Ratnasabhapati Mudaliyar:—" May I know whether the Government will consider the reference of the chairman regarding the diversion? "

The hon. Diwan Bahadur B. Muniswami Nayudu:—" The Government will certainly consider whatever the chairman has proposed and then pass orders."

Religious and Charitable Endowments

List of Muslim wakfs in the Presidency.

* 196 *Q.*—S. M. K. Beyabani Sahib Bahadur: Will the hon. the Minister for Local Self-Government be pleased to place on the table—

(*a*) the list of Muslim wakfs in the Presidency with the names of the managers and the locality of the wakfs properties that are now in existence; and

(*b*) the list of Muslim wakfs properties in the Presidency from the year 1860 with the names of original managers and their localities and also the names of the present enjoyers of the same?

A.—(*a*) & (*b*) A list containing such information as is available is placed in the Council library. The Government have no further information.

B. Pocker Sahib Bahadur:—" May I know when this list referred to in the answer was prepared? "

The hon. Diwan Bahadur B. Muniswami Nayudu:—" Sometime in 1928–29."

B. Pocker Sahib Bahadur:—" What is the basis on which that list was drawn? "

The hon. Diwan Bahadur B. Muniswami Nayudu:—" The information was compiled from the statements furnished by Collectors from various districts."

B. Pocker Sahib Bahadur:—" Is it on enquiry that the information was furnished? "

The hon. Diwan Bahadur B. Muniswami Nayudu:—" I mean the Collector makes his own enquiry and from the records also he gives information."

B. Pocker Sahib Bahadur:—" Did the Collectors make a thorough enquiry and is it the result of a thorough enquiry? "

The hon. Diwan Bahadur B. Muniswami Nayudu:—" I am not able to say whether the enquiry was thorough or not."

Mr. Basheer Ahmed Sayeed:—" As the list is incomplete and scrappy, will the Government be pleased to direct the Revenue authorities to make a thorough enquiry and give a fuller list of endowments now available and the manner in which they are administered? "

The hon. Diwan Bahadur B. Muniswami Nayudu:—" I do not know what useful purpose will be served, and whether it is in the interests of the institutions to make a thorough enquiry in regard to each institution."

B. Pocker Sahib Bahadur:—" Is the Government aware that the Muslims are interested in the wakf legislation and that such information is absolutely necessary? "

The hon. Diwan Bahadur B. Muniswami Nayudu:—" I do not think any information is necessary to bring a legislation when Government would give all facilities."

B. Pocker Sahib Bahadur:—" Is this not one of the facilities that Government could give as they can get the necessary information and the non-officials cannot get it? "

The hon. Diwan Bahadur B. Muniswami Nayudu:—" Government have given all facilities in their possession by giving the information that they had. If hon. Members want more, it requires an enquiry into the private affairs of others which they can get in the usual course in courts."

Mr. Basheer Ahmed Sayeed:—" In view of the fact that it is not possible for those interested to get the information, will the Government be pleased to depute one officer at least to find out the extent of these lands subsequently enfranchised and alienated and the other necessary information required for legislation? "

The hon. Diwan Bahadur B. Muniswami Nayudu:—" I am afraid the Government cannot do it; people interested must do it."

B. Pocker Sahib Bahadur:—" Is not Government interested in public work? "

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Agriculture

Duties of the Government Mycologist, Agricultural College, Coimbatore.

* 197 *Q.*—Mr. V. M. Ramaswami Mudaliyar: Will the hon. the Minister for Public Works be pleased to state—

(*a*) whether the Government Mycologist at the Agricultural College, Coimbatore, is an administrative officer or a research officer;

(*b*) if he is a research officer what the problems of scientific interest are in which he is engaged at present besides those done by his subordinates; and

(*c*) what the amount of expenditure incurred by him is on the research problems or otherwise for the last five years?

A.—(*a*) He is a Research Officer.

(*b*) A list of items of independent research work for which the Mycologist is solely responsible is appended (I).[a]

(*c*) A statement of expenditure of the Mycologist's section for the last five years is appended (II).[a]

Mr. A. Ranganatha Mudaliyar:—" In the appendix given along with the answer it is said that the items 3, 4, 5 and 6 (*a*) have been in progress for some years. May I know the nature of the progress made in those years? "

Mr. S. H. Slater:—" The progress made in respect of the each of the items will be found in the administration reports which are available to hon. Members."

Mr. A. Ranganatha Mudaliyar:—" May I know what they are? "

Mr. S. H. Slater:—" A question will be shortly answered—I think to-morrow or so—which gives very interesting information as to the success in regard to coconuts. For the last eight years the work has been taken up by the ryots in Malabar."

Co-operative Societies

Number of Muslim Inspectors in the Co-operative Department.

* 198 *Q.*—Mr. Basheer Ahmed Sayeed: Will the hon. the Minister for Public Works be pleased to state—

(*a*) the number of senior and junior inspectors in the Co-operative Department on the 30th June 1932;

(*b*) the number of senior inspectors who are (i) acting, (ii) permanent and (iii) temporary;

(*c*) the number of junior inspectors who are (i) acting, (ii) permanent and (iii) temporary; and

(*d*) the number of Muslim senior and junior inspectors and the nature of the appointment each one of them holds as on the 30th of June 1932?

[a] Printed as Appendix VII on pages 134-135 infra.

A.—(*a*) Sanctioned strength on 30th June 1932—

Senior Inspectors:		Junior Inspectors:	
Permanent—35	63	Permanent—319	608
Temporary—28		Temporary—289	

(*b*) Total number of men on duty including those acting in leave vacancies and vacancies caused by promotion or deputation on foreign service—

Senior Inspectors:

Acting—32. Permanent—12. Temporary—19.

(*c*) Total number of men on duty including those acting in leave vacancies and vacancies caused by promotion or deputation on foreign service—

Junior Inspectors:

Acting—95. Permanent—232. Temporary—281.

(*d*) Senior Inspectors:

Permanent—1. Temporary—Nil. Acting—1.

Junior Inspectors:

Permanent—8. Temporary—8 Acting—8.

Mr. BASHEER AHMED SAYEED:—"May I ask whether the Government have ascertained the reasons as to why there is such disparity in the senior inspector's grade so far as the Muslims are concerned?"

Mr. S. H. SLATER:—"There is no point in trying to ascertain the cause of a negative state of affairs."

B. POCKER SAHIB Bahadur:—"Is it a fact that there were many Muslim applicants to the post and they were not entertained?"

Mr. S. H. SLATER:—"The Government has no information."

Mr. BASHEER AHMED SAYEED:—"May I know whether the Government will give any reason why there is such a low percentage of Muslims in the senior inspector's grade?"

Mr. S. H. SLATER:—"I think that that question invites an expression of opinion; the hon. Member is quite as competent as I am to explain the phenomenon."

Mr. BASHEER AHMED SAYEED:—"May I ask what steps the Government propose to take to equalize the representation?"

Mr. S. H. SLATER:—"Government will take no steps; it is for the members of the community to qualify themselves and apply."

Mr. ABDUL HAMEED KHAN:—"May I know whether the Secretary is making an authoritative statement that there are no qualified people and that is why their number is small?"

Mr. S. H. SLATER:—"I did not say that."

Mr. BASHEER AHMED SAYEED:—"May I know whether the Government is in a position to contradict the statement that, in spite of applying, Muslim candidates were not appointed junior inspectors and because of that there could not be any promotion to the senior inspector's grade?"

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Mr. S. H. SLATER :—" Government have no information."

Mr. BASHEER AHMED SAYEED :—" May I know whether the Government propose to address the head of the department to enlist more Muslims in the junior inspector's grade and also to promote a few from the junior to the senior inspector's grade ? "

Mr. S. H. SLATER :—" No future appointments will be governed by the communal rule."

Mr. ABDUL HAMEED KHAN :—" May I know whether it was not a fact that the gentleman who acted for Mr. Strathie suggested the abolition of those districts in which there are already Muslim senior inspectors? "

Mr. S. H. SLATER :—" So far as I am aware, the Government have no information that anything of that sort occurred."

Collection from the Ganashapuram and Paddison Lines Co-operative Societies since their liquidation in 1931.

* 199 *Q.*—Rao Sahib V. DHARMALINGAM PILLAI : Will the hon. the Minister for Public Works be pleased to state—

(*a*) what amounts have been collected from the Ganashapuram and Paddison Lines Co-operative Societies, respectively, since their liquidation in 1931;

(*b*) what amounts have still to be collected from each of the above societies; and

(*c*) what steps are being taken for collection and whether such collection is made by the Labour Department or the Revenue Department?

A.—(*a*)—Nil.

(*b*) The amounts due from the two societies as on 3rd September 1931 were as follows:—

Ganesapuram Co-operative Society, Rs. 22,946-9-0.

Paddison Lines Co-operative Society, Rs. 20,975-4-0.

(*c*) The collections will be made by the Revenue Department.

Veterinary Department

Proposal to abolish the Nellore Veterinary Circle.

* 200 *Q.*—Khan Bahadur YAHYA ALI SAHIB Bahadur : Will the hon. the Minister for Public Works be pleased to state—

(*a*) whether the Government contemplate abolishing the Nellore Veterinary Circle; and

(*b*) if so, for what reasons?

A.—(*a*) No.

(*b*) Does not arise.

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Levy of fees for Serum Simultaneous method of inoculation.

* 201 *Q.*—Khan Bahadur YAHYA ALI SAHIB Bahadur: Will the hon. the Minister for Public Works be pleased to state whether the Government contemplate the introduction of charging of fees for Serum Simultaneous method of inoculation; and if so, why?

A.—No.

Reduction in the scale of supply of drugs supplied to Veterinary hospitals and dispensaries.

* 202 *Q.*—Mr. A. B. SHETTY : Will the hon. the Minister for Public Works be pleased to state—

(*a*) whether the quantity of drugs supplied to each Veterinary hospital and dispensary has been reduced, and if so, by what per cent; and

(*b*) whether the Government have made enquiries whether the drugs now supplied to the veterinary institutions and touring veterinary assistants suffice for their requirements, and with what result?

A.—(*a*) The Government have no information.

(*b*) No, nor has any report been made to Government regarding the insufficiency of supplies now made.

Admission of Muslim students into the Veterinary College.

* 203 *Q.*—S. M. K. BEYABANI SAHIB Bahadur : Will the hon. the Minister for Public Works be pleased to state—

(*a*) the number of Muslim students that have sought admission to the Veterinary College every year from 1920 (stipendiary and non-stipendiary) also showing the numbers of other communities, i.e., Christians, Hindus, Adi-Dravidas and Anglo-Indians;

(*b*) whether any scholarships are granted this year; if so, how many and to which community they were awarded; and

(*c*) whether it is a fact that the stopping of stipends has very seriously affected particularly the Muslim community?

A.—(*a*) A statement [a] is appended.

(*b*) Four scholarships are granted to members of the depressed and backward classes who are S.S.L.Cs. The award has not yet been made this year.

(*c*) Scholarships were not restricted to Muslims alone in the past. There is a decrease in the number of applications this year from every community which is perhaps due to the levy of fees and reduction of scholarships.

Education

Rule by the Principal, Government College, Mangalore, banning the participation of students in national activities.

* 204-A *Q.*—Mr. U. C. SUBRAHMANYA BHATT : Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) whether it is a fact that the Principal of the Government College, Mangalore, insists upon the students newly admitted to give

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[a] Printed as Appendix VIII on page 136 infra.

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an undertaking not to take part in politics; if so, whether the hon. Minister will be pleased to state whether previous sanction of the Director of Public Instruction or the Government was taken before introducing the new rule;

(b) in how many other Government Colleges in this Presidency are such written undertakings taken or whether this is the only college;

(c) whether only national political activities are forbidden or whether the prohibition includes non-national political activities also; and

(d) what the number is of students that applied for admission to the Intermediate class this year and how many were admitted, and what are the corresponding numbers for the previous year?

A.—(*a*) & (*c*) Applicants for admission to the Government College, Mangalore, had to give the following undertaking:—

"I promise not to take part in political agitation of any kind nor to join any demonstration made as a protest against the action or policy of Government."

No previous sanction is required; under rule 93 of the Madras Educational Rules, Principals of Colleges are competent to forbid students to take part in any public movement with which it is undesirable that persons in *Statu pupillari* should be associated.

(*b*) None.

(*d*) —

	1931.	1932.
Number that applied	93	90
Number admitted	92	90

Mr. U. C. Subrahmanya Bhatt:—"May I know whether it is not a fact that while rule 93 prohibits undesirable political activities the order requiring the undertaking prohibits any connexion with political activities?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"The undertaking is there and I think it is within the competence of the hon. Member to understand it."

Mr. U. C. Subrahmanya Bhatt:—"May I know why, when no other Principal in the Presidency has not chosen to take an undertaking, this Principal has chosen to take this undertaking?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"It is possibly because students in other colleges did not misbehave, in the manner in which the Mangalore students are reported to have done."

Mr. U. C. Subrahmanya Bhatt:—"So the students of the Government college behaved badly?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"Yes. On one occasion at least."

Mr. BASHEER AHMED SAYEED :—" May I know whether the Government has gone back on their policy of not prohibiting students from taking part in politics? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" I am not aware of any such policy."

Mr. BASHEER AHMED SAYEED :—" Is the Government aware of an order prohibiting students from taking part in politics which subsequently was cancelled at the instance of the late lamented predecessor of the Minister now in office?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" I am not aware."

1-45 a.m. Mr. A. RANGANATHA MUDALIYAR :—" Could attendance at a political meeting be interpreted as taking part in it ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :— " Government have not issued any such order."

Mr. U. C. SUBRAHMANYA BHATT :—" May I know on what facts the Government bases its remark that the students have behaved badly ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" I received reports from the Principal as well as other officers in the district."

Restrictions imposed by the Principal, Government Arts College, Mangalore, on the admission of students into the college.

* 204-B Q.—Mr. V. T. ARASU : Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that the Principal of the Government Arts College at Mangalore restricted the admission of students into that college this year to only those who gave a written undertaking that they would not participate in any of the present-day political activities; and

(b) whether similar undertakings are taken from students seeking admission into the other Government colleges in this Presidency by the Principals of the respective institutions?

A.—The attention of the hon. Member is invited to the answer to question No. 204-A.

Excise

Reopening of liquor shops in the ' dry area ' of Salem.

* 205-A Q.—A. B. SHETTY : Will the hon. the Minister for Education and Excise be pleased to state—

(a) the facts and figures brought to the notice of the Government by the Excise Commissioner in regard to the increase in Abkari crime in the ' dry ' area of Salem;

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(*b*) the increase in the sale of toddy and arrack in the nearest shops outside the ' dry ' area; and

(*c*) particulars regarding

(i) the representations received by the Government, urging the reopening of the shops in the ' dry ' area of Salem; and

(ii) representations protesting against their reopening?

A.—(*a*) & (*b*) Extracts [a] from the Commissioner's reports are appended.

(c) The particulars are given in the annexed statements [a].

Prohibition in Salem.

* 205-B *Q*.—Mr. A. B. SHETTY : Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) what Government have done to ensure the success of the prohibition experiment in Salem; and

(*b*) whether any temperance propaganda is being done in the ' dry ' area with or without the help of Government?

A.—(*a*) Government ordered the closure of the shops. Orders were also issued in February 1930, restricting the marking of trees for tapping toddy within five miles of the area to the average of the previous five years ending 30th September 1929 and prohibiting the marking of trees in the experimental area without the specific orders of the Assistant Commissioner of Excise. Government officers did their best to put down illicit practices. A Central Propaganda Board, a Temperance Publicity Committee and District Propaganda committees carried on anti-drink and drug propaganda under the auspices of Government until August 1931. This work had to be discontinued on account of financial stringency but the Government promised financial assistance to *bona fide* non-official associations carrying on genuine temperance propaganda.

(*b*) No temperance propaganda is being conducted with financial assistance from the Government. The Government are informed that practically no propaganda is being conducted independently of Government assistance.

Dr. P. SUBBARAYAN :—" May I ask the hon. the Minister for Excise whether he has proposed to re-open these shops in the area concerned ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" Yes; Government Order relates to that."

Dr. P. SUBBARAYAN :—" May I ask for what reasons ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" If the hon. Member reads the report of the Commissioner, he would find reasons given therein."

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[a] Printed as Appendix IX on pages 136-142 infra.

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Dr. P. SUBBARAYAN :—" Does the hon. Minister think that illicit practices are so rife as to warrant the re-opening of these shops especially when he himself has undertaken that the scheme of prohibition is to be introduced in this province within a limit of 20 years ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" The report of the Commissioner has testified to the conclusion that the experiment was not a success; but if further evidence is forthcoming from the locality that illicit distillation has stopped, Government will be willing to introduce the experiment again; but, on the material before them, Government have considered that the experiment was not a success."

Mr. ABDUL HAMEED KHAN :—" Is it a fact, Sir, that Government have given up the experiment on account of the loss of a large sum to their exchequer ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" It is not on that account."

Dr. P. SUBBARAYAN :—" Is the hon. Minister aware that the work of the Gandhi Ashram at Tiruchengode was in this direction, to see that the experiment of closure was a success ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" Their work has also been stopped; and it is also reported that around the Ashram this illicit manufacture of liquor is going on."

Dr. P. SUBBARAYAN :—" Is the hon. Minister satisfied that this illicit distillation is being carried on there ? If I may give information, there is no illicit distillation near the Ashram ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" I did not mean to say, near the Ashram, but all around it."

Mr. BASHEER AHMED SAYEED :—" What is the authority for that information ?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" The authority is the report of the Commissioner."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR :—" The places in which the offences have been committed ?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" Yes."

Dr. P. SUBBARAYAN :—" Is the hon. Minister aware of the fact that owing to the lax method adopted by the Excise Commissioner this illicit distillation is going on ? Not only that; renters of neighbouring shops are made to bring this toddy in lorries and distribute it in the prohibited area."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" There is no evidence of it."

Dr. P. SUBBARAYAN :—" I can give any amount of evidence."

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UNSTARRED QUESTIONS

Control of Vehicles

Amount realized under brake inspection fees per annum.

206 *Q.*—Mr. B. P. Sesha Reddi : Will the hon. the Home Member be pleased to state the amount realized by the Government as the half-yearly brake inspection fees per annum from each district?

A.—The Government have not the information.

Famine Relief

Grants for completing roads and wells in the famine areas.

207 *Q.*—Diwan Bahadur M. Gopalaswami Mudaliyar : Will the hon. the Member for Revenue be pleased to state—

(*a*) whether it is the avowed policy of the Government in their department to provide a well and a road to each village;

(*b*) whether it is a fact that metal collected for roads could not be used in several places owing to the technical difficulties of the Famine Code; and

(*c*) whether the Government intend recommending special grants to complete the roads already formed and gravelled and the wells and ponds dug up in the famine zone?

A.—(*a*) The question is one which primarily concerns local bodies. The Government assist them when funds are available.

(*b*) It is difficult to consolidate metal spread during the prevalence of drought as a measure of relief partly because it is difficult and expensive to provide sufficient supervision to ensure that the work is properly done and partly owing to the difficulty of obtaining water necessary for proper consolidation.

(*c*) The Government will consider the suggestion.

Famine relief in Ceded districts.

208 *Q.*—Diwan Bahadur M. Gopalaswami Mudaliyar : Will the hon. the Member for Revenue be pleased to state—

(*a*) what the amount spent on relief of famine in 1876–78 in the Ceded districts was;

(*b*) what the amount of the Mansion and other funds utilized during those years was;

(*c*) what the amount of revenue lost in those years was;

(*d*) what the sums spent were in subsequent famines of 1891–92, 1896–97, 1921–22, 1926–27 and 1931–32 in the Ceded districts in affording relief; and

(*e*) what the amount of revenue lost was during these famines in these districts?

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A.—(*a*) The total expenditure in the Ceded Districts on both gratuitous relief and works was Rs. 2,34,37,596.

(*b*) A sum of about 81½ lakhs of rupees out of the Mansion House and other funds was spent over the whole Presidency. The amount spent in the Ceded Districts was about sixteen lakhs.

(*c*) The average annual income of the Presidency under various heads for the four years before the famine was Rupees 7,31,96,594. The average annual income under those heads for the two famine years was Rs. 5,84,69,036. Difference Rs. 1,47,27,558.

(*d*) & (*e*) The following statement gives the information:—

Year.	Amount spent on works and gratuitous relief.	Amount of land revenue remitted.
	RS.	RS.
1891–92 and 1892–93	8,27,586	16,07,957
1896–97	82,69,469	19,90,000
1921–22	11,06,295	89,107
1926–27	32,085 } *	3,83,803
1927–28	* 4,41,553 }	
1932 (up to 28th July 1932).	† 2,98,691	4,42,735

* Grants to local boards for the employment of unskilled labour.

† Bellary district only. Includes Rs. 2,07,041 given as grants to local boards for the employment of unskilled labour.

Local Self-Government

Alleged illegalities of the President, District Board, Tanjore, in the matter of accepting tenders.

209 *Q.*—Mr. A. Pl. N. V. Nadimuthu Pillai : Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the Government recently received a memorial from several members of the Tanjore District Board stating that the President of the District Board acts illegally and arbitrarily in respect of invitation and acceptance of tenders and selection of contractors;

(*b*) whether it is a fact that the Government discountenanced the present attitude of the President, District Board, Tanjore, in allowing a particular individual or a set of individuals to have monopoly in the district board contract with a view to his party ends or for similar other reasons;

(*c*) whether it is a fact that the Government had occasion to advise the President, District Board, Tanjore, to avoid unnecessary interference with obvious duties of the District Board Engineer;

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(*d*) whether it is a fact that the Government have received also a mahazar from the public in respect of the irregularities committed and injustice done by the President of the Tanjore District Board;

(*e*) what action the Government have taken on the memorial referred to in clause (*a*) and on the mahazar referred to in clause (*d*) if received;

(*f*) if no action has yet been taken, what steps the Government propose to take; and

(*g*) whether the confidential report of the Examiner of Local Fund Accounts on the audit of accounts of the District Board Engineering Office, Tanjore, for the years 1929–30 and 1930–31, if any, will be called for and placed on the table of the House?

A.—(*a*) No.

(*b*) Government recently objected to the practice of giving a contract to an approved contractor at the lowest rate tendered when the lowest tenderer was a stranger whose capacity for work and integrity were unknown to the President. The President, District Board, has been asked to follow strictly the rules laid down in the Madras Local Boards Manual in the matter of acceptance of tenders.

(*c*) Yes.

(*d*) No.

(*e*) & (*f*) Do not arise.

(*g*) Government have not received any such reports, nor do they consider it necessary to call for them.

Education

Vacancies in the cadre of District Educational Officers.

210 *Q.*—Mr. P. Bayappa Reddi : Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) how many vacancies, permanent or otherwise, occurred in the District Educational Officers' posts or junior M.E.S. Headmasters' posts of training schools during the years 1930, 1931 and 1932 up to date either by retirement, leave or otherwise of officers;

(*b*) how many such vacancies were filled up by promotion of the selection grade subordinate service officers of the combined cadre of School Assistants and Deputy Inspectors;

(*c*) how many of them were filled up by men from the collegiate service by either promotion or transfer; and

(*d*) whether it is a fact that almost all the District Educational Officers' and Junior M.E.S. Headmasters' vacancies were filled up by officers in the collegiate service with no administrative experience in the inspection branch?

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A.—(*a*), (*b*) & (*c*) The following statement gives the information:—

	Total number of vacancies.	Number of vacancies filled by the promotion of officers from the combined cadre of Deputy Inspectors and School Assistants.	Number of vacancies filled by the transfer of officers from the Collegiate section.
Posts of District Educational Officers..	16	2 *	4
Posts of Headmasters in the junior scale of the Madras Educational Service.	10	5 *	3

(*d*) No.

* All the officers appointed except one were from the selection grade of the cadre of Deputy Inspectors and School Assistants.

IV.—ALLEGED LATHI CHARGE AND FLOGGING IN THE BELLARY CENTRAL JAIL.

Mr. A. Ranganatha Mudaliyar:—"In view of the reports that have been constantly appearing in the papers under the signatures of respectable people that there have been lathi charges, flogging and other kinds of harsh treatment in the Bellary Central Jail, will the hon. the Law Member be pleased to make a statement as to what action he has taken or will take to put an end to the repetition of these lathi charges, flogging and other kinds of harsh treatment in this jail and in other jails where it is still going on?"

* The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"I shall gladly make the statement which my hon. Friend wants; and in doing so, I may state also, Sir, that a deputation consisting of my Friend Mr. Sami Venkatachalam Chetti and other equally respectable gentlemen who are not Members of this House, waited on me, I believe, on Friday last, and we had a detailed conversation about this matter. I shall now repeat to the hon. Members of this House what I told the members of that deputation.

"At the outset, I may assure my hon. Friend and other Members of the House that there had been no lathi charge or flogging. What took place was this: On the 12th September, which happened to be a Monday, the usual weekly parade was held in the Bellary Central Jail; and as is usual at such parades, all the prisoners were examined. Amongst the prisoners, there were two conspiracy case prisoners from the Punjab. I may incidentally say, Sir, that those prisoners that come from the Punjab are generally troublesome. These two Punjabi prisoners when they appeared for parade did so without the weighment charts and the cap which they were bound to wear. The Superintendent of the Jail asked them to wear them. One of the two Punjabi prisoners then stepped forward and said that he would disobey all

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prison rules. Then he was asked to fall into line again and to obey the prison rules and wear the weighment chart and the cap. He refused to come back into line, pulled off his sleeves and called the Superintendent and his subordinates to fight with him; and he began to cry, 'Up with the Revolution, down with the British Flag.' Naturally there was excitement among the prisoners that had assembled there, and some of the warders who were there approached this particular Punjabi prisoner for the purpose of making him go back into line. A fight ensued; and because there was this general excitement on account of the revolutionary slogans that these Punjabi prisoners were uttering, there was great commotion among the prisoners and a disturbance took place. And because the disturbance was taking a serious turn the Superintendent of the Jail telephoned to the reserve police. The latter came to the assistance of the warders, and in the course of an hour or so order was restored. And in the melee that naturally took place when this disturbance was being quieted some of the prisoners were hurt, and so also were some of the warders and policemen. But I am glad to say that the injnries that happened both to the warders and policemen on the one side, and the Civil Disobedience prisoners on the other were all minor ones. There was only one injury that might be said to be of a more serious nature than the rest, and that was one of the prisoners had one of the bones of his finger broken. Of course he was treated well and I believe that he has been thoroughly cured by this time.

"This was what actually took place. Government received a report of these occurrences from the Superintendent of the Jail, subsequently another from the District Superintendent of Police, and lastly—I attach particular importance to what I am going to say—one from the District Magistrate himself. The District Magistrate who happened to be absent from the station on the day of the occurrence, as soon as he returned to his headquarters (to Bellary) about three days afterwards, immediately went to the jail and held a detailed enquiry. He examined about eleven witnesses, inclusive of one I.M.S. officer who happened to be the previous Superintendent of the Jail and who, after handing over charge under orders of transfer, had not left that place. This Superintendent, Dr. Ince, the present Superintendent, and others were examined. The District Magistrate also examined five of the Civil Disobedience prisoners as witnesses, and three of those were chosen by him from the out-patients register—I emphasize the words out-patient register. After this detailed enquiry, he submitted an exhaustive report to the Government to the effect that the jail officials were not in any way to blame. And what is more, he went round with some official and non-official visitors and saw many of the Civil Disobedience prisoners who sustained minor injuries and who took part in this disturbance, and these visitors were satisfied that the jail officials were not in any way to blame, and that there was nothing to be done with reference to this unfortunate disturbance that took place on the 12th September.

"As I said, with reference to the first part of my Friend's question, namely, that relating to assault and flogging, no assault or flogging

took place. I may assure my hon. Friend that the jail authorities will not go out of the way to inflict any punishment that was not required to meet the situation.

"With regard to the second part of my Friend's question, namely, hunger-strike, what took place was this: As soon as the disturbance was quelled, some of the Civil Disobedience prisoners were incensed at the injuries that they and their comrades received, and about 13 of them, subsequently the number increased to 36, went on hunger-strike. But I am glad to say that all those prisoners who went on hunger-strike have given up the hunger-strike except six. I am glad to assure my hon. Friend that no loss of life or any serious loss of health has happened to these six. Though artificial feeding has been resorted to in the case of these six, no resistance has been offered and so it has not become necessary to use force. That is the present state of affairs. I may tell my hon. Friend that I shall ask the Inspector-General to make a further enquiry into this hunger-strike and to do what he can to put an end to it. I hope this statement will satisfy my hon. Friend."

Mr. SAMI VENKATACHALAM CHETTI:—"Were the bar fetters removed?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I do not know."

* Mr. SAMI VENKATACHALAM CHETTI:—"What was the fault which the non-Punjabi prisoners committed to arouse the ire of the Jail officials and make them resort to a lathi charge?"

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"They took part in the disturbance and assisted the Punjabi prisoner in resisting the warders who attempted to push back the Punjabi prisoner into the line."

* Dr. P. SUBBARAYAN:—"Will the hon. Member consider the desirability of removing the bar fetters if they still continue?"

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"If you mean from these particular prisoners, I shall make an enquiry."

* Mr. SAMI VENKATACHALAM CHETTI:—"Was it, in addition to what help can be got from the warders who were present then, the help of the Police was requisitioned by the Jail officials?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It was requisitioned because there were about 145 Civil Disobedience prisoners who took part in the disturbance and the number of warders and Jail officials was smaller and so it became necessary to indent for the help of the Police."

Mr. SAMI VENKATACHALAM CHETTI:—"How long did it take for the Police to arrive?"

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I cannot say how long they took to arrive. I do not know the distance between the Jail and the Police station. But after they arrived, on the whole it took about an hour and a half for the disturbance to quiet down."

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* Mr. SAMI VENKATACHALAM CHETTI :—" Was it after the Police had arrived that the disturbance quieted down? Were they afraid there would be any aggressive action against them? "

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Yes, they knew very well that with their small number they would not be able to quell this disturbance."

* Mr. SAMI VENKATACHALAM CHETTI :—" Were any of the warders seriously injured before the Police arrived ? "

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Some of the warders were injured, but none seriously."

* Mr. SAMI VENKATACHALAM CHETTI :—" Does it mean that the warders could have managed without requisitioning the Police? "

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Certainly it does not mean that."

* Dr. P. SUBBARAYAN :—" In view of this disturbance which was caused by an outside prisoner being put together with the prisoners here will the Government consider the desirability of putting prisoners from other Provinces in separate jails so that they may not have recourse to these methods? "

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" As a matter of fact, I may tell my hon. Friend that the suggestion that he has made has been considered and carried out to the best of our ability. These outside prisoners are distributed in several jails. In the particular Jail, to the best of my knowledge these two were kept separately."

* Mr. YAKUB HASAN :—" May I know if the six who are on hunger-strike were among the 13 that went on hunger-strike and whether any of them were among those who were injured? "

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I am not sure."

* Mr. ABDUL HAMEED KHAN :—" How long Mr. Mahbir Singh was in the Bellary Jail? "

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I am not sure."

Mr. ABDUL HAMEED KHAN :—" Had he been there for at least a month or two? "

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I believe, more than that."

* Mr. BASHEER AHMED SAYEED :—" Was he not attending these parades, every week? "

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" To the best of my information, he was."

* Mr. BASHEER AHMED SAYEED :—" What is it that was responsible for the disturbance on that day? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" It is his will and pleasure."

* Mr. BASHEER AHMED SAYEED:—" Is it merely his will and pleasure or was there any cause for which the authorities of the Jail were responsible? "

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" So far as I am aware, there is no other cause whatever."

* Mr. BASHEER AHMED SAYEED:—" You do not propose to enquire into the question? "

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" In fact, in the several detailed reports that I have received, there is no other information."

* Mr. A. RANGANATHA MUDALIYAR:—" May I know from the hon. the Law Member whether these prisoners were wearing this weighment chart and the cap even before or they are being compelled to wear them now only? "

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" They must have been wearing them before. The rules must have been followed."

* Mr. SAMI VENKATACHALAM CHETTI:—" Was this rule being enforced before this incident ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" It must have been followed."

* Mr. SAMI VENKATACHALAM CHETTI:—" To the best of our information this rule was not in force previously and it is now only enforced."

* Dr. P. SUBBARAYAN:—" With regard to the treatment of these political prisoners, may I know whether the Jail rules do not lay down any discrimination in the treatment to be given to the political prisoners and the ordinary prisoners and whether the policy that was originally followed is being given up now and they are treated as ordinary criminals? "

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" The rules do not lay down any discrimination between one class of prisoners and another. 'A' and 'B' class prisoners are treated differently from 'C' class prisoners."

* Dr. P. SUBBARAYAN:—" I am not concerned with 'A' or 'B' class prisoners. What I want to know is whether there has been any deviation of policy pursued with regard to these prisoners."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" There is no deviation whatsoever."

* Mr. YAKUB HASAN:—" May I know from the hon. the Law Member whether the refusal to wear the cap and weighment chart was

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such a serious offence that the Superintendent of Jail should have insisted upon its being worn by the prisoner before going into the line and the refusal of the latter has resulted in this disturbance?"

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"As a matter of fact disobedience of any lawful orders of the Superintendent of Jail is regarded as an offence. I believe the Superintendent of the Prison was perfectly justified in asking the prisoner to go back into the line."

* Mr. YAKUB HASAN:—"Was it not probable that it was indiscretion on the part of the Superintendent of the Jail to have insisted upon the prisoner wearing the weighment chart especially when he knew that there was so much excitement?"

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I do not think there was any indiscretion in insisting upon the prisoner wearing the weighment chart and the cap."

* Dr. P. SUBBARAYAN:—"In view of the questions that have been put upon the floor of this House on the bad treatment that is meted out to the political prisoners in the Bellary Jail, may I ask the hon. the Law Member to see that the same treatment as was originally given is given to these prisoners? I am sure the political prisoners, at any rate, will all be non-violent."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I am afraid that my hon. Friend is not correct. I am sure that the rules that are observed are those that were previously observed."

* Mr. A. RANGANATHA MUDALIYAR:—"May I know from the hon. the Law Member that his answer practically amounts to saying that these political prisoners are kept separately from other prisoners?"

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"No, no. The question of separation applies only in the case of the Punjabi prisoners. I may also say that they are also in a separate cell having every convenience. The rooms in which they are kept are sufficiently large rooms having every comfort."

* Mr. A. RANGANATHA MUDALIYAR:—"May I know what the reply of the hon. the Law Member is with regard to the removal of bar fetters?"

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I shall consult the Inspector-General of Prisons on this matter and see what I can do in the matter."

* Mr. A. RANGANATHA MUDALIYAR:—"Sir, as a result of these questions and the replies given by the hon. the Law Member, I think both of us are in agreement on the various points in connexion with this matter and I do not therefore want to ask for leave to move the adjournment motion which I have given notice of."

V.—ACT ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

* The hon. the PRESIDENT:—" I have to announce that the Madras Services Commission (Amendment) Act, 1932, received the assent of His Excellency the Governor-General on the 22nd September 1932."

VI.—ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.

* The hon. the PRESIDENT:—" I have to announce that the undermentioned Acts received the assent of His Excellency the Governor on the dates mentioned against each:—

The Madras Medical Registration Act—7th September 1932.
The Madras Services Commission Act—9th September 1932."

NON-OFFICIAL BUSINESS.

THE MANGAVARAM, ANAKAPALLE, ETC., IMPARTIBLE ESTATES BILL (BILL No. 16 OF 1932).

[Mr. Madhusoodhanan Thangal was not in his place when called and the motion standing in his name, viz., that the Bill be taken into consideration was therefore not made.]

VII.—THE KAPILESWARAPURAM IMPARTIBLE ESTATES BILL (BILL No. 13 OF 1932).

* Mr. D. V. NARASIMHASWAMI :—" I beg to move—

'*that the Kapileswarapuram Impartible Estates Bill (Bill No. 13 of 1932)* [a] *be taken into consideration.*'

" In so moving I wish to say at the outset that the proposal of the zamindar himself is to split up the zamindari into two shares, one consisting of a major share with the income of Rs. 30,000 and the other with an income of Rs. 17,000 and that the properties which consist of the properties specified in the schedule annexed to the Bill should be held as impartible and inalienable estate. He has got only two sons, and he has made ample provision for his children. Besides the estates he has other sources of income. I do not think that by this legislation the rights of the younger children are taken away from them. There are enactments similar to this on the Statute Book already.

" I therefore beg that this House will give its unanimous support to my motion."

The motion was duly seconded.

* Mr. SAMI VENKATACHALAM CHETTI:—" Sir, I rise to oppose this motion. I am afraid that year after year there is a move on the part of some of these rich landlords to bring some estates under the Impartible Estates Act and thus conserve what they consider to be the proprietary right of the estates to themselves to the detriment of the junior members of the family. When Impartible Estates Act was passed in the year 1904, the Government took up a more conservative attitude than what they take now. There were a number of estates which wanted to be governed by the law of primogeniture then and as a matter of fact

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a Published in the *Fort St. George Gazette*, dated 23rd August 1932.

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several applications from the landed proprietors were made to the Government and they very correctly declined to consider their case. When that was the feeling of the Government in 1904, it seems ridiculous that when ideas of progressive democratization and every step that we are taking are towards the amelioration of the landless men, encouragement should be given for bringing in such Bills so as to make certain estates impartible whose claims for impartibility are not typically recognized. It was only the other day that this Council was asked to discuss a Bill which would split up big tarwad properties in Malabar on the West Coast. Conservation of big tarwad properties on the West Coast depriving the junior members of the family of their right to partition of the common property is regarded to be a great mischief and injustice to the junior members of the family. The Council was appealingly asked to split up those properties so that every member of the family might feel that he has his legitimate share in the property and he could enjoy it as much as he wants. While we are legislating in that direction so far as the West Coast is concerned, it is rather curious that we should be asked to legislate for the creation of more tarwad properties on the East Coast against the times. I know that the opposition that we raise to-day will be of no avail because rich landholders seem to have already secured the support of the Government. But I would rather like that this protest of mine should be recorded so that it may be known by the public and the Legislative Council of this province what permanent injury they are causing to the unborn children of the junior members of the family. It is true that some attempt has been made to provide for the junior members of the family and also not to interfere with their rights. It looks as though it were a concession made to the junior members of the family. While every junior member has got the right of enjoying his share as much as he wants, it is rather curious and unjust that they should be made to live upon the bounties given by the head of the family. Further I find that the zamindars from out of the family income or saving purchase properties and style them as their own properties thus depriving the junior members of the family from enjoying their due share thereof.

" There is another difficulty with regard to the Kapileswarapuram Impartible Estates. It originally belonged to the Nuzvid zamindari which was itself impartible. By a subsequent Privy Council decision it was made clear that the estates remained impartible so long as the character of the zamindari remained unchanged. The decision of the Privy Council will have a very serious effect and I do not know if this matter would be free from legal difficulties for all time.

" With these few words, I desire to oppose the motion of my. hon. Friend, Mr. Narasimhaswami."

* Mr. D. V. NARASIMHASWAMI :—" Mr. President, Sir, this estate belongs to the same family as the Mirzapuram estate which has already been declared to be impartible. If we do not give the same privilege to this estate also it would be very unfair. In this connexion I would draw the attention of the House to the remarks of the Privy Council on 12-1 p.m.

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this subject. They have said that these two estates were very ancient ones and that it was only by some accident that they were split into two parts.

"With regard to the junior members of the family, ample provision is made for them in the Bill and there is no ground for thinking that they will be neglected. For these reasons I am afraid I cannot accept the suggestion of the hon. Member, Mr. Sami Venkatachalam Chetti."

The question that the Bill be taken into consideration was put and carried.

Clause 1 (*Short Title*).

* The hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, Sir, I should like to explain that the amendments standing in my name are only drafting amendments suggested by the Drafting Department of the Secretariat and are not intended to offend the merits of the Bill. The first amendment that I have to move is that—

> '*In line* 2 *of clause* 1 for *the word* "*Estates*" *the word* "*Estate*" *shall be substituted, so that the title may read as* "*The Kapileswarapuram Impartible Estate Act*, 1923".' "

* Mr. D. V. NARASIMHASWAMI:—" I have no objection to the amendment; I second it."

The amendment was put and carried.

Clause 1, as amended, was put and carried, and was allowed to stand part of the Bill.

Clause 2.

* The hon. Sir ARCHIBALD CAMPBELL:—" I beg to move—

> '*that the following be substituted for the existing clause*:—
>
> '"*For the purpose of this Act, the Kapileswarapuram Estate shall consist of the properties specified in the schedule.*"'

" This is purely a verbal amendment."

* Mr. D. V. NARASIMHASWAMI:—" I have no objection to the amendment; I second it."

The amendment was put and carried.

Clause 2, as amended, was put and carried, and was allowed to stand part of the Bill.

Clause 3.

* The hon. Sir ARCHIBALD CAMPBELL:—" I beg to move—

> '*that in line* 5, *for the words and figures* "*Act II of* 1904", *the word and figures* "*Act*, 1904" *be substituted.*'

" This is to bring the section into accord with sub-section (1) of section 1 of the Madras Act of 1904, which reads as follows:—" This Act may be called the Madras Impartible Estates Act, 1904."

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* Mr. D. V. NARASIMHASWAMI:—" I have no objection to the amendment; I second it."

The amendment was put and carried.

Clause 3, as amended, was put and carried, and was allowed to stand part of the Bill.

Clause 4 was put and carried and was allowed to stand part of the Bill.

Schedule.

* The hon. Sir ARCHIBALD CAMPBELL:—" I beg to move that—

'(i) *the word " The " be inserted before the word " Schedule "*,

'(ii) *before the heading " List of villages " the words, figure and brackets " (See section 2) " be inserted, and*

'(iii) *in the heading " List of villages ", the words " included in the Kapileswarapuram Estate in the Kistna district " be added.'* "

* Mr. D. V. NARASIMHASWAMI:—" I have no objection to the amendment; I second it."

The amendment was put and carried.

The schedule, as demanded, was put and carried, and was allowed to stand part of the Bill.

Preamble.

* The hon. Sir ARCHIBALD CAMPBELL:—" I beg to move that—

'(i) *in line 2, before the words " its proprietor ", the word " that " be inserted;*

'(ii) *in line 4, the following be inserted after the word " thereof ": " And whereas the previous sanction of the Governor-General has been obtained to the passing of this Act "; and*

'(iii) *in line 4, the sentence " It is hereby enacted as follows " be put as a separate paragraph, beginning the word " It " with a capital letter.'* "

* Mr. D. V. NARASIMHASWAMI:—" I have no objection to the amendment; I second it."

The amendment was put and carried.

The Preamble, as amended, was put and carried, and was allowed to stand part of the Bill.

Mr. D. V. NARASIMHASWAMI:—" I move—

'*that the Bill, as amended, be passed into law*'."

The hon. Sir ARCHIBALD CAMPBELL:—" I second it."

The motion was put and carried and the Bill was passed into law.

VIII.—A BILL TO AMEND THE MADRAS IMPARTIBLE ESTATES ACT, 1904 (BILL No. 11 OF 1932).

* Sriman M. G. Patnaik Mahasayo:—" Sir, it is clear from the statement of Objects and Reasons that this Bill is intended to make statutory provision for the maintenance of the junior and other members of an impartible estate. The Privy Council in 41 Madras, 778 (P.C.), known as the second Pittapur case held that in the absence of custom the grandson of a deceased zamindar was not entitled to maintenance out of the impartible estate in the hands of the successor and that it was not necessary to prove any custom in support of the right of a son to maintenance out of an impartible zamindari. This ruling was laid down by the Privy Council in spite of the fact that the Madras Courts had for a long time before held that the junior members were entitled to maintenance as a matter of course on account of their community of interests as being co-parceners with the holder of the impartible estate. The conflict came because they applied the inexorable logic applied in the Sartaj Kuarö's case and the first Pittapur case to the question of the provision for maintenance also although the cases only related to power of the holder of an impartible estate to alienate property as he pleased. In Madras it had been held that an impartible estate was inalienable except for purposes binding upon the joint family as a whole and in order to annul the effect of the ruling given in the first Pittapur case the Madras Impartible Estates Act, 1904, was passed. At that time it was intended to safeguard the holders of impartible estates in two ways, namely, to prevent the alienation of the estate except for certain specified purposes and to prevent the property from getting into the hands of creditors. The statute did not even recognize the pious duty of a Hindu son or grandson to pay the debts of his father or grandfather. After this was done, several estates which had not been impartible by custom previously, have been added to the list, so that an impartible estate is no longer a creature of custom merely. There are also statute-made impartible estates. Take the case of a junior member born some years hence in a statutory impartible estate like the Kapileswarapuram Estate which has just now been added to the list of impartible estates. We cannot prove any custom for the maintenance of such junior members as there was no such custom as the junior members had a share in the property. If the ruling of 41, Madras, 778 was applied to his case, the junior member would surely suffer. What I therefore submit is that in cases of statute-made impartible estates there should be an undoubted statutory provision for the maintenance of the junior members of the estate and they should not be asked to prove any custom to be entitled to the maintenance.

30 a. " In an Impartible Estates Act, I think there should be statutory provision for the maintenance of the junior members. That is the first reason. Let us examine the ruling with regard to the other impartible estates held to be impartible by custom. The Privy Council stated in the year 1918 that there was community of interest but that the community of interest did not extend to the demand for partition,

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or to the right for maintenance; but community of interests was extended to succession. For purposes of succession, it is admitted that an impartible estate is a co-parcenary property. But the Privy Council says that for purpose of partitiou, it is not co-parceuary property. But for purposes of maintenauce, there is absolutely no reason why it should not be treated as joint family property. That proposition has been negatived by the Privy Council. Therefore this Bill has been brought forward. My Bill is introduced to do away with the effect of that ruling and to regard impartible estates as joint family property for purposes of maintenance also. I have made some provision in the Bill with regard to illegitimate children. The feeling of zamindars who are affected by the Bill seems to be against it. If they think that it is objectionable. I have no objection to delete it. But my submission is that according to Hindu Law, illegitimate children are entitled to maintenance at all events from the putative father even though he happens to belong to the twice-born class. The first mischief done by Sartaj Kuaro's case was in recognizing the right of the holder of an estate to sell away or deal with it as he pleased. The second mischief was to continue maintenance to the junior members. If this Bill becomes law, the second mischief will be removed. Then there will be a third mischief. If illegitimate members come forward at a future time for remedy of the grievances that matter may be dealt with later on. When the Impartible Estates Act of 1904 was passed, nobody thought at that time that it would be applied to the prejudice of the junior members. If all the zamindars are opposed to the provision that I have made, regarding illegitimate children, I have no objection to delete it. But they must see that hereafter they do not become fathers of illegitimate children. I move that the Bill [a] be referred to the Select Committee consisting of the following Members—

(1) The hon. Sir Archibald Campbell.
(2) ,, Diwan Bahadur B. Muniswami Nayudu.
(3) Diwan Bahadur Sir Alladi Krishnaswami Ayyar.
(4) Dr. P. Subbarayan.
(5) The Raja of Khallikote.
(6) The Zamindar of Mirzapuram.
(7) The Zamindar of Kirlampudi.
(8) The Kumara Raja of Venkatagiri.
(9) Mr. V. M. Ramaswami Mudaliyar.
(10) ,, Abdul Hamid Khan.
(11) .. C. Basu Dev.
(12) ,, D. V. Narasimhaswami.
(13) Rao Sahib N. Siva Raj.
(14) Rao Bahadur A. T. Pannirselvam.
(15) Mr. A. V. Bhanoji Rao, and
(16) the Mover (Sriman M. G. Patnaik)."

The RAJA OF KHALLIKOTE:—" I second it."

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[a] Published in the *Fort St. George Gazette*, dated 23rd August 1932.

* The hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, Sir, I rise to oppose this motion on the ground that the proposed legislation is unnecessary and an undue interference with the existing law on the subject. That law has been summarized and stated in the ruling to which the hon. Mover has already referred; it will be found in the decision of the Privy Council on an appeal from the decision of the High Court, Madras, in the case of Rama Rao *v.* Raja of Pittapur reported in Volume XLI of the Indian Law Reports, Madras series, page 778. I would like to read extracts from that judgment, if I may:

'It was admitted on both sides of the Bar that in an ordinary joint family ruled by the Mitaksrara law the junior members, down to three generations from the head of the family, have a co-parcenary interest accruing by birth in the ancestral property; that this co-parcenary interest carried with it the inchoate right to raise an action of partition, and that until partition is *de facto* accomplished these same persons have a right to maintenance. It seems clear that this right is an inherent quality of the right of co-parcenary—that is of common property. The individual enjoyment of the common property being ousted by the management of the head of the family, they have a right till they exercise their right to divide, to be maintained out of the property which is common to them, who are excluded from the management and to the head of the family who is invested with the management. As it is expressed by the late Mr. Mayne in his work:—'Those who would be entitled to share in the bulk of the property are entitled to have all their necessary expenses paid out of its income.' It follows that the right to maintenance, so far as founded on or inseparable from the right of co-parcenary, begins where co-parcenary begins and ceases where co-parcenary ceases.'

" Later on it is stated:

'An impartible zamindari is the creature of custom, and it is of its essence that no co-parcenary exists. This being so, the basis of the claim is gone, inasmuch as it is founded on the consideration that the plaintiff is a person who, if the zamindari were not impartible would be entitled as of right to maintenance. There is no claim based on personal relationship.

'This proposition, it must be noted, does not negative the doctrine that there are members of the family entitled to maintenance in the case of an impartible zamindari. Just as the impartibility is the creature of custom, so custom may and does affirm a right to maintenance in certain members of the family'

" In another part of the judgment it is stated:

'The right of this class to maintenance lies in personal relationship, but is limited to the window, the parent, and the infant child.'

" As the law at present stands, it is necessary to prove—and it may be proved—that there is a custom in a particular impartible estate that other persons besides these three categories which I mentioned—the widow, the parent and the infant child—are entitled to maintenance from the estate. By the word 'co-parceners' used in sub-clause (1) of clause 9 which is proposed to be inserted in the main Act, the hon. Mover refers to those who would be co-parceners if the estate were not impartible. According to the present act, junior members down to three generations from the head of the family would then be entitled to maintenance from the estate whether there has been such a custom or not. The Bill goes even further and allows a claim to maintenance to be made by the illegitimate sons of the co-parceners of the holder of an impartible estate and the legitimate sons of such illegitimate sons for three generations. This is a very drastic provision and interferes with the ordinary law of the country. I may also point out that under section 10 it is proposed to apply the Mitakshara Law to impartible

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estates where it does not apply at the present time. There may be estates to which laws other than the Mitakshara Law apply. No such Act was passed in Bengal. I therefore oppose this motion."

* Rao Bahadur Sir A. P. PATRO:—" Sir, I am rather surprised at the attitude taken up by the Government with regard to this Bill. The decision referred to by the hon. the Revenue Member was quoted by the hon. Mover himself in support of his contention, viz., that an usage has been created round these impartible estates that the junior members of the family are left without any provision. If the Government are opposed to further creation of impartible estates, I can understand the wisdom of such a position. It is beyond my comprehension to understand the reasonableness of the opposition of the Government when it is proposed to legalize the decision of the Privy Council. As the hon. Member knows, in every impartible estate there are junior members who have to go in either for litigation or arbitration not merely for the right of maintenance but also even for maintenance. There are a number of cases in which I had to appear where maintenance had to be obtained from the impartible estates for junior members of the family. Co-parcenary of the family does not cease to exist by the impartibility of the estates. Impartibility is limited to inalienability of the line and succession by *primogeniture*. These are the two incidents attached to the impartibility of an estate—succession by *primogeniture* and inalienability of the estate. The Government should be ready to support this Bill. I would appeal to the Government to reconsider their position. Instead of opposing this useful measure, they should support it because it is an equitable measure, instead of driving parties to take up to litigation from one Court to another wasting the funds of the estate. When the junior members succeed in the Privy Council, they find ultimately that they are completely without any real provision.

" I would refer here to the well-known case in which the present Raja of Jeypore had to fight for eight years in order to get his maintenance from the owner of an impartible estate. Ultimately, the matter went up to the Privy Council, which again took another two years, and all this, for getting his maintenance to which he has a right under the Hindu law, because he is a co-parcener. Cases like this illustrate the difficulties which the junior members have to experience, and therefore, this measure which my friend from Ganjam has brought up is a very necessary one. I hope that the hon. Member in charge would reconsider his opposition to this measure and withdraw his opposition. Public opinion is in its favour; the zamindars are in favour of this measure; and there being no opposition whatever from persons who are really interested in this Bill and from those who would be affected by this Bill, the Government ought not to take up a position of hostility to it. I dare say this House will agree with me that where circumstances require that sufficient protection should be given to the junior members who otherwise would go without any remedy whatever, a Bill of this kind would be of great help. If the measure is not passed, the junior members would have to resort to law Courts in order to get their maintenance, and that would mean extravagant expenditure. On the

12-45 p.m.

other hand, if a measure of this nature is passed, it would facilitate them in getting their cases considered in a reasonable manner by the senior members. I therefore urge, Sir, that the Government should reconsider the matter and withdraw their opposition."

* Mr. T. C. SRINIVASA AYYANGAR:—" Mr. President, Sir, I am also surprised at the attitude taken up by the Government. The course of the Case Law in this Presidency has landed us in very many difficulties, not the least of which are those relating to maintenance of the property, which only in the matter of succession, came to be governed by the rules of primogeniture. Previously, it was understood that the seniormost member in a joint family can hold possession of the property, subject to all the rights which the junior members had over the family property in the matter of maintenance, expenses for marriage, education and various other things. The first Pithapur case introduced, so far as this Presidency is concerned, a diversion in the conception of the law which was till then held. The result was that the zamindars who were the then holders were held to be absolute owners of the property, so much so that they could give it away, they could sell it away, or they could will it away, as they liked. Cases may very easily come to the recollection of many members of this House of large zamindaris—portions of which were alienated. I know of one in which various villages, various divisions of taluk, were alienated for various purposes that prevailed prior to the Pithapur decision—questionable from a legal point of view. It was on the move of the zamindars of this Presidency that the ancient impartible estates should be preserved, that an Act was passed in 1902 of a temporary character, which was afterwards revised into a permanent statute and placed on the Statute Book as Act II of 1904. It was never the policy of the Government that there should be any difficulty placed in the matter of the education, maintenance, etc., of the other members of the family. The object of the legislation was deliberately to set aside the view propounded; it was later on repealed, so that the doubts in the matter of the law were set at rest. Very ancient families do exist to-day with their properties in tact; and it is a matter of pride in the families that the seniormost member is the zamindar, is the owner and that he represents the family. But it is never the pride of the family that junior member is cut adrift. What is the present state? It is practically disinheriting the younger members. Here is a case in which the Government must, if at all, welcome the occasion when a private member has introduced a Bill, so that in a properly constituted committee the views of the zamindars may be had, as also the views of the general public and of the junior members of the various families. I may assure the hon. Members of this Council that there is no intention on the part of any Member here to introduce any difficulty between the junior and the senior members. We must take advantage of the Bill for the purpose of inviting the attention of Government and the Legislature to the need for an enquiry into this matter, so that both the sections of the zamindari families may have an opportunity of pooling their ideas and finding a way out of the trouble. I have known of cases in which members of the family

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who were near relations were not on happy terms. There were contentions and costly suits. When you say that custom will have to be proved, do you know how difficult it is? It will be practically ruinous to the parties to have it proved. A custom should be very ancient—it may date from the time of Lord William Bentinck's administration in India or the Permanent Settlement Regulations of 1802 and it must be continuous, consistent, invariable, observed with a knowledge that it is legal. All these elements should co-exist before a court of law could pronounce its decision, and the decision by a court of law is subject to an appeal and a second appeal. It is with a view to avoid such ruinous expenditure that the aid of this legislature is now sought. I hope the Government will not put forward further objection in the way; they can take time, have the matter discussed in the Select Committee, they can have the privilege, if necessary, of inviting opinion and at the same time hearing also representative people belonging to various sections and then coming to a conclusion. On close scrutiny and careful examination it will be found that the proprietors of the estates themselves desire some such legislative guidance in the matter of their obligation to pay and also to restrict the rights of any and every member however remote to claim maintenance. I do not say that the Bill is a perfect one—to my mind it appears that it has gone far in certain directions. The Select Committee will certainly limit it to appropriate dimensions. I therefore hope that the Government will not further object to the measure and that the Members of this Council will see that this measure goes to the Select Committee."

* The RAJA OF KALLIKOTE :—" Mr. President, Sir, my hon. Friend from Ganjam, the Mover of the Bill, is seeking to enunciate a principle that junior members of the family of holder of impartible estates should be entitled to maintenance. In so far as this Bill relates to this matter, it has my wholehearted support. Although there is no definite enactment on the subject, by common custom such junior members are entitled to this maintenance, and I may assure hon. Members of this House that all holders of impartible estates are even now giving adequate maintenance to their junior members commensurate with their position in life. This is an attempt to legalize an existing custom and will, in rare cases, where zamindars refuse maintenance to their junior members, make matters more simple for them to claim it and will also obviate lengthy and tedious litigation by which both parties will be crippled. Moreover, in the present circumstances, when a large number of estates which were not impartible when the Act of 1904 was passed are being made so now, it is all the more reasonable and necessary that such safeguards should be provided for the junior members. I therefore wish to congratulate my hon. Colleague for sponsoring such a cause.

" The Bill as it stands now contains certain defects and is capable of further improvement. In view of the assurance the hon. the Mover has given us that he would be reasonable and would agree to the deletion of the clause relating to illegitimate children and also to any revision or modification that may be made, I have nothing further to say and

would support the motion to refer the Bill to a Select Committee. I am confident that all defects can be remedied by the Select Committee and the Bill will come out of it in a form acceptable to all concerned.

"With these few words, I support the motion before the House."

Mr. K. R. VENKATARAMA AYYAR:—"Mr. President, it is a matter for gratification that one of the enlightened zamindars in this Council should have come forward to lend his support to the Bill which has been moved. We, lawyers who have experience of several impartible estates and of litigations arising in Courts with reference to them, have always felt that the result of 41 Madras case has had a hard result which those who were in touch with the case law as it was in our High Court previous to that ruling would not readily agree to. The Impartible Estates Act of 1904 has yet to justify itself in certain respects. In that state of affairs, the attitude of the Government should be to stiffen in favour of the individual holder of the impartible estates and against the junior members of the families whose properties these estates have undoubtedly been. That would be a very bad result indeed. I think the general feeling on the part of the community is in favour of the junior members of the families whose properties form the impartible estates. No doubt, many individual holders of impartible estates may be very good to their brothers and cousins and others who may look up to them for maintenance; but it is not the individual goodness of these holders of impartible estates that would be an adequate safeguard to the junior members. Even in the case of such an enlightened holder of an impartible estate as the late Raja of Ramnad, it became necessary for his own brother Mr. Rajaram Pandiyan to make good his claim for maintenance by resort to litigation—though of course when the suit was filed the late Raja had sufficient enlightenment, culture and broad-mindedness in him—of course after the waste of some thousands of rupees in engaging senior counsel from Madras—to come to a satisfactory compromise. In that litigation, I had to play the role of advocate for the plaintiff. Experience of that kind does not tend in the direction of opposing a beneficial measure of this kind. The custom undoubtedly was in the case of most impartible estates in this Presidency for junior members to look up to the holder for the time being for maintenance, as if the impartible estate was the common divisible estate of all the co-parceners of the family. But such a custom, when challenged, would hardly run a decent chance of being made good by sufficient evidence, such evidence as alone would be accepted in courts of law as good enough for the establishment of an ancient, invariable custom. Therefore, the only way to get rid of the Privy Council ruling reported in the 41 Madras case is by the legislature stepping in to encroach, if it is an encroachment, to this extent, namely, against the principle of the Impartible Estates Act, that is, as against the rights secured for the holder of the impartible estate for the time being, by making it unnecessary for the junior members of the family to establish a customary right to maintenance in the particular family or estate. Nothing less will do. It does not mean that if the Government helps forward such a Bill, it is really at cross purposes destroying the effect of

whatever its policy may be deemed to be in regard to the Impartible Estates Act itself, the main Act. I say they ought not to allow themselves to be viewed as partisans of zamindars and as opponents of the younger brothers, cousins and grandsons of zamindars. They have no right to take such a partisan attitude. The Government have no right to do it. If the general sense of the community is in favour of such a Bill as is now before the Council, then Government ought to get into line with that general feeling at least to the extent that they cast their sympathies in aid of the holders of impartible estates in connexion with the main legislation, at least to that extent they ought now to support a measure ensuring reasonable maintenance in favour of the junior members of the families holding impartible estates. It may be that the particular Bill which is now before the Council may admit of slight improvements here and there; that will be for the Select Committee before whom it will go, to take up. But, it does not mean that on that account, the policy of this Bill could justly be opposed by the Government. I hope that notwithstanding the opening speech of the hon. Member in charge on behalf of the Government, now that the opinion of this House from both sides has been made clear, the Government will come round to take an altered view and to re-state its attitnde, so as at least to enable, without further trouble, this measure to go before the Select Committee."

Mr. Sami Venkatachalam Chetti:—" Mr. President, I feel very keenly the absence of the want of legal knowledge on this matter. Had my hon. Friend, Sir Archibald Campbell, mentioned this ruling at the earlier stage of our proceedings, namely, at the time of the passing of the other Bill, I would have certainly canvassed support for the attitude I have taken. I am really surprised that the hon. the Revenue Member who is aware of this ruling, should have allowed that Bill to go through and then come up and say that the junior members cannot get maintenance, which they are at least by custom now getting for many years past. It is really cutting the junior members on both sides. It is indeed a very cruel thing for the Government to put up this kind of attitude. It looks as though the hon. the Revenue Member is outstripping even the zamindar proprietors of these estates from giving this concession to the junior members. I can understand the correctness of the decision just now quoted by the hon. the Revenue Member, namely, that if you want to make an estate impartible, necessarily, the other members of the family than the managing member of that family ought to be at a disadvantage. If by custom every member of the family is entitled to maintenance or to some share in the property, it looks as though you are putting the managing member of that estate in a very difficult position. Each member is entitled to spend as much as he likes, and is entitled to ask the senior member of the family or the managing member of the estate to maintain him properly according to his status and yet, would not allow that managing member of that estate to touch the estate. The estate must remain intact, no debts could be raised from the security of those estates, and yet he has to maintain a number of people because the custom allows that. Though

in the interests of the junior members of the family it is desirable that these persons should be maintained out of the family funds, it is an additional reason against making more estates impartible."

* Mr. C. R. PARTHASARATHI AYYANGAR:—Mr. President, when an estate is made impartible, the question naturally arises what is its legal position. Does it continue to be the joint family property or by impartibility being attached to it, does it continue to be an estate from which other members of the family are entitled to maintenance? What is its character if the effect of legislation on such estates is still to be under scrutiny? What is the interpretation that the courts of law will give or what interpretation the vakils may put upon it and to what extent it may be fought out in courts of law, are things unknown. It is also well-known what the cost of litigation on such matters would be. One thing is clear. Formerly they were considered to be joint family property and therefore every member was entitled to maintenance, but what the effect of legislation in making the estates impartible will be is not known. It means that all joint family property will be impartible. That itself is objectionable, but the Council having once allowed it, to be specific, it is but natural, and clearness also requires it, that you must make provision in the Bill for the maintenance of the other members from out of the funds of the estate. Probably it might have been in the original Bill, but if it is introduced into this Bill, it would be much clearer and place the matter beyond all possible doubt. Therefore it is absolutely necessary for the Government to make clear its view that by the effect of this Bill the character of impartibility will not be changed in this sense. It is necessary not to create any further dispute, but to remove the obstacle placed in the way of the maintenance of the members of the family from claiming it. It is absolutely necessary that such a provision should be made. I hope there will not be any opposition to this."

* Sriman M. G. PATNAIK Mahasayo:—"Mr. President, Sir, I am surprised that the Government should come forward to oppose this Bill. I could have expected some opposition from the zamindars, but I do not see why the hon. the Revenue Member should come forward to oppose it. Probably he thought that the zamindars would oppose the Bill and then he could lend his support. Now, of course, if the Bill is not passed, there will be a crop of litigation and Government may derive some income from court-fees. I do not think that the hon. the Revenue Member had in his view the probability of income from court-fees when he opposed the Bill. I do not wish to go into all the rulings on the subject. The ruling relied upon by me and the hon. the Revenue Member shows that the views of even very eminent Madras jurists like Justice Sundaram Ayyar, Sir Sankaran Nayar, were set at naught and the Privy Council, with due deference it must be stated, has taken a very inconsistent view. With regard to succession they say that the junior member is a co-owner with the holder of the impartible estate, so much so that he can relinquish his portion and take some money from the holder of the impartible estate. It is not mere expectancy, which cannot be sold under the Transfer of Property

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Act, it cannot be otherwise alienated. Therefore that is a substantial right. The judgment of Mr. Justice Sundaram Ayyar in 23 M.L.J., deals with the question very carefully and there it is stated that if for purposes of succession an impartible estate is considered a joint family property, there is absolutely no reason why for purposes of maintenance this should not be joint family property. If a property cannot be partitioned, to that extent, the custom restricts the enjoyment of the property by junior members. The only thing to be considered is whether the view of the Madras High Court which was consistently followed for over a century should be followed by this Council or the opinion of the Privy Council which was laid down in a case in 1889 and subsequently followed in the first Pithapur case. This Council has already, by passing the Impartible Estates Act stated that the view of the Privy Council in Sartrajkuar's case was wrong and should not be followed. It was a mischievous ruling but the mischief done by the ruling was not sufficiently averted by the Impartible Estates Act. Therefore the little that remains of its mischievous effect has to be remedied now. It has nothing more to do. There is already the additional reason why this legislation is necessary. Almost every year additions are made to the Schedule to the Impartible Estates Act. What has to become of the junior members? They cannot prove any custom and if the 41 Madras ruling were to stand, how can the junior members prove any custom? All the members of an estate were previously getting a share and they were not getting any maintenance and how can they prove any custom? If they cannot prove any custom, they cannot get maintenance. By adding to the list of schedules more impartible estates, additional difficulty is created. The hon. the Revenue Member says the policy of the Government will be defeated. I think if the position is clearly analysed, my Bill furthers the policy of the Government rather than seeks to defeat it. They do not say that the impartible estates should remain intact. The dignity of the family of the holders of these estates and the position of the families should be maintained. That is the policy. If that is so, does the hon. the Revenue Member mean, by family, only the holder of the impartible estate? Do not the junior members go in the name of the family and are not they to be included in the family? Would the hon. the Revenue Member like to see the junior members going abegging while the holder of the impartible estates is enjoying the estate? (The hon. Sir Archibald Campbell: They may go in for various professions.) Who is to take them into the various professions. It is the zamindars. Therefore the responsibility for maintaining the junior members is upon the holders themselves."

* The hon. the PRESIDENT :—" I think the House is now ready for a vote. The question is—

'that the Bill to amend the Madras Impartible Estates Act, 1904 (Bill No. 11 of 1932), be referred to a Select Committee (list already circulated).' "

The motion was carried and the Bill referred to the Select Committee.

IX.—THE ARTISANS BILL (BILL No. 24 OF 1932).

Mr. H. M. Jagannatham:—" Sir, I beg to move that the Artisans Bill (Bill No. 24 of 1932) published in the *Fort St. George Gazette*, dated 30th August 1932, be referred to a Select Committee consisting of the following Members:—

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur,
The hon. Mr. P. T. Rajan,
Mr. S. H. Slater,
Pandit Ganala Ramamurti,
Rao Sahib P. Subrahmanyam Chetti,
Rao Sahib D. Krishnamurti,
Dr. P. Subbarayan,
Mr. Sami Venkatachalam Chetti,
,, V. T. Arasu,
,, C. Basu Dev,
,, M. Devadasan,
,, U. C. Subrahmanya Bhatt,
,, D. V. Narasimhaswami,
,, Abdul Hameed Khan,
,, F. G. Luker, and

the Mover (Mr. H. M. Jagannatham).

" Sir, in moving that this Bill be referred to the Select Committee, I should like to make a few remarks. The workmen employed in cottage industries, though numerically not very large, constituted an important class in the pre-British days in India, but with the passing away of the Government from the hands of the Hindu Rajas, they almost became a backward community. Unless the Government lends its helping hand to the workmen employed in ancient and indigenous arts and crafts, they will not be well protected in the event of the grant of further responsibilities to the people which is now engaging the attention of His Majesty's Government. The object of the present Bill is to achieve this end.

" Even though there is no steam, water, electrical or other mechanical power used in the work turned out in these artisans' workshops, in the light of the recommendations made by the Royal Commission on Labour under the distinguished presidentship of the Right hon. Mr. Whitley, they can be brought under the operation of the Indian Factories Act as seasonal factories, i.e., factories using no power but employing substantial number of workers. At present no control is exercised over them either by the Government or by the respective local bodies though these artisans' workshops employ large number of workmen.

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"Thus let alone and allowed to carry on as they like without any restraint or check whatsoever, these artisans' workshops have become a menace to the health of not only the labourers employed therein but also to the citizens at large of the respective areas where they are situate. Most of these artisans' workshops are small airless boxes, often without any windows, where the workers are crowded in without any space even to move about. Others are dark semi-basements with damp mud floors unsuitable for working process. Sanitary conveniences and adequate arrangements for the removal of filth and refuse are generally absent. Regular intervals for meals and weekly holidays are generally non-existent. The daily hours of work generally range from 12 to 16.

"Another matter of paramount concern is the question of child labour. Broadly speaking, about 50 per cent of the labourers employed in any one of these artisans' workshops are children below the age of 16 and quite a large proportion of these are children of school-going age. These children are employed for long hours usually ranging between 12 and 15 hours without adequate interval for meals or weekly rest days, for wages as low as half or one anna per day. Corporal punishments and other disciplinary measures of a reprehensible kind are often resorted to in order to compel these children to work for such long hours and small wages. To remedy this situation, as shown above, and to regulate the working of the artisans' workshops, it is proposed in this Bill that some sort of control should be vested in the Local Government. They have not till now done anything in this direction. So it is necessary that legislation in regard to this matter should be undertaken without delay whatsoever, for the number of children in these artisans' workshops is increasing day by day. And there can be no two opinions that something should be done —sooner the better—to save more children from getting into the inhuman clutches of the owners of these artisans' workshops as also to remove the existing ones from the perdition in which they are at present placed and drive them to school. Hence this Bill. Now one can understand that the most important feature of this Bill is not to allow children to work in these artisans' workshops at their respective hereditary occupations when they are very young with the consequent detriment to their health and literacy. Artisans' workshops in this Presidency are exempted from the operation of sections relating to Contract and Trust of the Indian Penal Code in consonance with the remarks made by several presiding officers in their judgments. Civil Courts alone could deal with them.

"Another important feature of this Bill is that the Labour Department will be obliged to supervise the welfare of these minor industrial workmen. Thus they will be protected from pressure of the capitalists. Moreover, they will be entitled to have the political privileges as suggested by the Labour Commission. This Bill seeks to make these artisans' workshops clean and healthy, regulate working hours, etc., and prohibit the employment of children under 12 years of age so as to

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give them an opportunity to acquire the three R's. It is hoped that the Bill paves the way for great advancement towards the industrial revival of this country.

" With these few words, I move that the Bill be referred to the Select Committee consisting of the members I have mentioned already."

Pandit GANALA RAMAMURTI :—" In seconding the motion before the House, I beg to say the following few sentences :—

" Neither the Government nor popular leaders have till now thought of introducing any legislative measure to regulate the liability of the employers to the employees who are working in private petty workshops where work in iron, steel, copper, brass, bell-metal, bronze, zinc, tin, aluminium, silver, gold and other metals and wood, ivory, stone carving, engineering, and mounting of precious stones is carried on. The late Mr. Bangalore Madhurayacharyar, Editor of the 'Dravidan Herald' drafted a Bill some thirty years ago for the same purpose, but it contained impracticable provisions based on religious ceremonies and it does not therefore suit the needs of the present day.

" My hon. Friend, Mr. V. M. Ramaswami Mudaliyar observed as follows on the 18th June 1931 at the International Labour Conference held at Geneva :

'We are eagerly awaiting the report of the commission on the question and on the general question of the future of children employed in allied occupations. I am also in a position to state that several members of the local legislatures in India are interesting themselves in the cause of those children and have been inviting the Government to extend the scope of the Indian factory legislation to those places so that better and more human conditions, rest periods, etc., may at least be guaranteed.'

" As anticipated by Mr. Ramaswami Mudaliyar in the above quoted extract the Royal Commission on Labour in India presided over by the Right hon. Mr. J. H. Whitley made recommendations in regard to child labour, over-working of women, health, efficiency, standard of living and rest intervals to unregulated (seasonal) factories, i.e., factories using no power but employing substantial number of workers and urged for legislation in respect of the starting age and hours of work of children, sanitary conditions and of improvement in inspection. Similarly the recent 16th International Labour Conference while adopting protection of children being employed below 14 covering all types of occupations, employment in commerce, shops, offices, hospitals, cure establishments, street trading and so forth and in any undertaking whatever adopted the following as a special provision for India :

'The Convention contains the following special provisions for India :—

In India (1) the employment of children under ten shall be prohibited (a) in shops, offices, hotels, restaurants and places for the sale of drink (b) in places of public entertainment (c) in street trading (d) in any non-industrial employment to which the provisions of this paragraph may be extended by the competent authority.'

" The foregoing extracts contemplate comprehensive legislation on an All-India or provincial basis to protect all children in every walk of

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life. Such legislation can only be undertaken by Government or attempted by competent persons. But the present Bill has only a limited application, and that is the protection of children in petty private artisans' workshops of this Presidency, having as one of its penal provisions that boys under 12 years should not be sent to the aforesaid workshops, as suggested out of vast experience by my revered father the late Brahma Sree Vividha Vidya Vinodi Ganala Veerabhadriah Garu in a paper which he read in or about 1903 before the Sanmargabodhinee Samaj, Rajahmundry, East Godavari district, and according to resolutions passed at several sessions of Andhra Provincial Viswa Brahmana Conference which were convened under the auspices of the All-India Viswakarman Liberal Federation. Though I had obtained *the previous sanction of His Excellency the Governor-General for the* Viswakarman Children's Bill drafted by me I did not move for leave to introduce the same in the Council on the advice of the hon. the Home Member that the principle underlying the same being a communal issue was not laudable for which I am ever thankful to him. The present Bill is based on occupational differeuces and is calculated to come to the rescue of children employed in the aforesaid workshops throughout the Presidency.

"As in the case of the Railway employees it is necessary that the regulations devised to give effect to the Washington and Geneva Conventions should be extended to the artisans' workshops in such places as Madras, Vizagapatam, Cocanada, Bezwada, Kumbakonam, Trichi-*nopoly and Madura and being subjected to horrible difficulties.* The present Bill aims at safeguarding the interests of the workmen employed in the artisans' workshops and propagating democratic ideas in them. The practice of parents borrowing money for expenditure on occasions of festivals, births, deaths and unemployment, pledging their children's labour is prohibited by the present Bill. The Bill contemplates supervision of work in them by the Factories Inspector and his subordinates under the Labour Department, if necessary, by levying by means of licences a special tax on these workshops by the State.

"Though persons in pursuits such as trade and commerce have scope to seek protection under the provisions of the Insolvency Act the workmen are harassed and dragged to criminal courts for breach of trust and contract and occasionally on false charges prompted by petty quarrels and private reasons. Hence, the Bill seeks to exempt these workmen from the operation of the sections of the Indian Penal Code relating to trust and contract.

"Isolated life, which the cottage industrial workmen as a whole lead, cuts them off the progressive influences of contact with other more advanced communities. Absence until very recently of anything like organized public opinion serving to focus public attention for voicing their sufferings is itself the result of the educational backwardness among these workmen in the private petty artisan workshops in

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the modern times. Because artisan workers stand to-day far behind their sister communities of the Presidency in the matter of social as well as political progress, opinion is unanimous among the thinking section of it that some sort of legislative interference alone is the feasible method of dealing with this evil. The aforesaid injurious customs prevailing among these workmen also convince everyone of the pressing necessity for taking legislative action.

"The resolutions passed from time to time by the Andhra Provincial Viswa Brahman Conferences which were convened under the auspices of the All-India Viswakarman Liberal Federation present a vivid picture and give a list of disabilities of the workmen employed in the artisan workshops. As the said Federation entrusted to my hands the task of drafting a Bill I had personal consultations with representatives from both the Northern and Southern districts regarding the statutory relief they desired. I am afraid that it is scant courtesy not to make mention of my deep indebtedness to my hon. Friend, Mr. V. T. Arasu for the help which I had received from him in framing this measure, and for the imperfections in drafting and other defects of this Bill of which no one is more conscious than I am, I assume entire responsibility. I shall be amply recompensed for my labours in drafting this Bill if it is helpful to redress the legitimate grievances and sufferings of the artisans. I content myself with only these observations and if this be passed into law, the provisions contained therein may be hoped to better the lot of the workers in the artisan workshops and not only a new impetus will be created amongst the artisans but it will bring in a new era in the revival of the indigenous industries.

"With these words I second the present motion."

After Lunch (2-30 p.m.)

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— "Mr. President, Sir, I beg to oppose this motion. I have considerable sympathy with the Mover of this Bill whose aim is to improve the cottage industries. But I do not think that this Bill will in any way do so. But on the other hand it will retard them. First of all this Bill is absolutely unworkable. When the Bill was first sent to the Government there was a provision for paid inspectors and certified surgeons. This provision was disallowed by His Excellency the Governor on account of the fact that our present finances will not allow this to be a charge on the finances of the Province. So the hon. Member has changed this Bill to the extent of making the agency for carrying on the work honorary. Honorary inspectors and honorary certifying surgeons will not be able to do the work to be entrusted to them satisfactorily. They will be under no control. I do not think an Act which makes provision for giving such tremendous powers to a non-official agency to be worked at its sweet will, will ever work satisfactorily. If it works, I think it will be a piece of legislation which will tyrannize the artisans. I do not think

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there is any necessity at all for this enactment. The Local Government have to bring them under section 2 (3) (b) of the Factories Act. All that we have to do is to put up a notification in the *Fort St. George Gazette.* I do not think it is necessary now to bring these people under the Factory Act. Sir, when this Bill was referred to the Labour Commissioner for his opinion, he after consulting the Chief Inspector of Factories and the Director of Industries said that the Bill was an ill-digested piece of work. It purported to be in the interests of cottage industries. But in his opinion it would kill rather than foster them. It seemed to him entirely unnecessary. No cottage industry would survive inspections or restrictions laid down. I hope my hon. Friend will reconsider his position now. There is another thing I should like to mention and it is this. When hon. Sir Archibald Campbell went to Bezwada a representation was made to him that the Bill will adversely affect his community as the people affected are not well off and the application of the Bill will reduce the earnings of artisans ; that it is difficult to regulate the working hours of a home industry in this way, especially that of the goldsmiths, as their work is largely seasonal; that they have a great deal of work for two or three months during the marriage season; that if their hours of work are reduced, they will not be able to maintain their families; that they cannot afford to provide latrines, etc., as they live in small huts; that if their boys are sent away for education, the goldsmith must employ other boys in their places and pay them; that there will be no objection to eductional qualifications for boys when education is made compulsory for all classes and castes; and that the work is not merely mechanical but rather artistic and a man cannot do stone cutting when he is not in a mood to do it.

"Under these circumstances I would request the hon. Mover to withdraw his motion."

* Mr. V. T. Arasu:—"I am surprised, Sir, at the attitude the hon. the Home Member has taken in regard to the Artisans' Bill. If he had read the Bill carefully he would have seen that it is only of the nature of a reformative legislation. It gives wide power to the local Government to enforce only such of the sections as can be practicably applied to the industries contemplated by the framers of the Bill. In clause 2 of the Bill it is specifically said that the Local Government may from time to time by notification specify any portion of the Madras Presidency as coming under the operation of this Act. Therefore you will find that this Bill cannot harass people engaged in cottage industries as is presumed by the hon. the Home Member. Sir, I am surprised that the Government should have neglected to take notice of the Convention which the Government of India have agreed to in the International Labour Conference. Sir, the International Labour Conference held so recently as April 1932 had delegates of the Government of India who have entered into a solemn agreement that they will prohibit the employmeut of children under 14 years of age even in non-industrial occupations, not to mention the industrial occupations sought to be regulated by this measure. This Convention has been agreed to by the Government of

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India, and I believe the Government of Madras being a part of the Government of India naturally consented to this. Article I of the Convention says:

'This Convention shall apply to any employment not dealt with in the following Conventions adopted by the International Labour Conference at its first, second and third sessions.'

"Article 7 is the most important article, and it runs as follows:

'In order to ensure the due enforcement of the provisions of this Convention national laws or regulations shall provide—

(a) for an adequate system of public inspection and supervision;

(b) for suitable means for facilitating the identification and supervision of persons under a specified age engaged in the employments and occupations covered by article 6;

(c) for penalties for breaches of the laws or regulations by which effect is given to the provisions of this Convention.'

5 p.m. "No doubt, Sir, the Convention to which representatives of the Government put their signatures can at a certain stage be given the go-by. But article 12 lays down that no member of the International Labour Conference can set at naught the settlement arrived at at Geneva in April last except after the lapse of ten years. The pertinent portion of article 13 runs as follows:

'Each member which has ratified this Convention . . . can after the expiration of a period of ten years, exercise the right of denunciation provided for in the Article.'

"Under this article, power is given to the members of the Convention to denounce the Convention after a certain period. But so far as I am able to gather, the Government of India have accepted the Convention, and even if they should think of denouncing it, they will not be at liberty to do so because ten years must expire before they can think of doing so.

"Mr. President, the most important provision in this Bill is the prohibition of the employment of children under 12 years of age. If the hon. the Home Member could only realize the difficulties to which children employed in these industrial and non-industrial occupations are put to, I am sure he will be the first to come forward to support this measure."

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"What is to become of the parents of these children?"

* Mr. V. T. Arasu:—"My hon. Friend asks me what is to happen to the parents of the children. This is a stock argument that has been advanced in all countries whenever any such legislation was brought forward. It will be remembered by this House that as far ago as 1820, when there was a strong agitation in England for regulating factory labour, the same stock argument was employed. What do we find now in England? There is not even one child of school-going age employed in any kind of industry.

"The other objection raised by the hon. the Home Member is that it is difficult to supervise the artisan workshops, for the simple reason that the Government cannot possibly appoint paid officers as inspectors and

therefore they will have to rely upon non-official agencies. It was pointed out that honorary agencies cannot possibly discharge such wide powers as are sought to be conferred on them. I should like to ask the hon. Member what are the wide powers that are sought to be conferred on the inspecting officers. The powers are: to visit places wherever more than ten people are employed, to inspect such places and see if small children of 4 or 5 years of age are employed and if they are employed, to report the fact of the Chief Inspector of Factories to enable him to take action. The other power that is sought to be conferred on the inspecting officer is this: 'He should make such examination of the premises as he may deem necessary for the carrying out of the provisions of the Act.' He must see that the condition of the buildings and surroundings in which they work is not such as to affect their health. These are the 'very wide' powers made mention of by the hon. the Home Member. Cannot these minor powers be exercised by honorary officers? If these powers cannot be exercised by honorary officers, then I very much doubt the wisdom of Government in entrusting the administration of local boards and municipalities to honorary agencies. Government have now a proposal that the hospitals should be entirely manned by honorary officers. The same objection can be advanced against that also.

Besides, I feel that the Government of Madras has no option but to accept the principle involved in this Bill, for the reason that the Government of India which is the supreme authority in this country has entered into a Convention at the last International Labour Conference that they would prohibit at the earliest opportunity the employment in any kind of occupation of children of less than 12 years of age. Therefore, I have great pleasure in supporting the motion of Mr. Jagannatham."

Mr. H. M. JAGANNATHAM:—"In view of the explanation given by the hon. the Home Member, I withdraw my motion. I see that a similar sort of legislation cannot be made in this House in the near future until the Government has made good its finances."

Mr. V. T. ARASU:—"I object."

The question that the Artisans Bill (Bill No. 24 of 1932) be referred to a Select Committee consisting of the Members (already circulated) was put and lost.

A poll was demanded, and the House divided thus:

Ayes.

1. Mr. M. Devadasan.
2. Rao Sahib P. Subrahmanya Chetti.
3. Mr. D. V. Narasimhaswami.
4. Pandit Ganala Ramamurti.
5. Mr. A. Harischandrudu Nayudu.
6. Dr. P. Subbarayan.
7. Mr. K. Kesava Ramamurti Nayudu.
8. ,, *Sami Venkatachalam Chetti.*
9. Mr. V. P. Narayanan Nambiyar.
10. ,, M. A. Manikkavelu Nayakar.
11. ,, Abdul Hameed Khan.
12. Ahmed Meeran Sahib Bahadur.
13. Mr. K. M. Duraiswami Reddiyar.
14. ,, U. C. Subrahmanya Bhatt.
15. ,, V. T. Arasu.
16. Rao Sahib *V. I. Muniswami Pillai.*

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Noes.

1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur.
2. „ Diwan Bahadur Sir M. Krishnan Nayar.
3. „ Sir Archibald Campbell.
4. „ Mr. H. G. Stokes.
5. „ Diwan Bahadur S. Kumaraswami Reddiyar.
6. „ Diwan Bahadur B. Muniswami Nayudu.
7. Rao Bahadur G. Jagannadha Raju.
8. Mrs. K. Alamelumangathayaramma.
9. Mr. C. E. Jones.
10. „ J. A. Thorne.
11. „ H. M. Hood.
12. „ R. Madanagopal Nayudu.
13. „ S. H. Slater.
14. „ E. Conran Smith.
15. „ T. Sundara Rao Nayudu.
16. Khan Sahib Syed Tajuddin Sahib Bahadur.
17. Mr. K. P. Raman Menon.
18. Subadar-Major S. A. Nanjappa Bahadur.
19. Mr. M. Vedachala Mudaliyar.
20. „ B. P. Sesha Reddi.
21. „ P. C. Moses.
22. „ V. G. Vasudeva Pillai.
23. The Raja of Bobbili.
24. The Raja of Kallikote.
25. The Kumara Raja of Venkatagiri.
26. Mr. M. A. Muthiah Chettiyar.
27. Diwan Bahadur A. M. M. Murugappa Chettiyar.
28. Mr. Mahboob Ali Baig.
29. Rao Bahadur T. A. Ramalingam Chettiyar.
30. Mr. T. C. Srinivasa Ayyangar.
31. Rao Sahib Alagannan Chettiyar.
32. Mr. C. Satyanarayana Choudari.
33. Rao Bahadur Sir A. P. Patro.
34. Diwan Bahadur S. Ellappa Chettiyar.
35. Rao Sahib D. Krishnamurthi.
36. Mr. G. Sriramulu.

Neutral.

1. Mr. P. V. Rajagopala Pillai.
2. „ T. Narasa Reddi.
3. „ P. Bayappa Reddi.
4. Rao Sahib V. Dharmalingam Pillai.
5. Mr. Daniel Thomas.
6. Zamindar of Kirlampudi.
7. Mr. K. Kesava Ramamurti Nayudu
8. Sriman M. G. Patnaik Mahasayo.
9. Rao Bahadur P. C. Muthu Chettiyar
10. Mr. A. Ranganatha Mudaliyar
11. „ C. R. Parthasarathi Ayyangar.
12. „ R. Foulkes.
13. „ W. K. M. Langley.
14. „ A. Ramakrishna Reddi.
15. „ H. M. Jagannatham.
16. S. M. K. Beyabani Sahib Bahadur.

Ayes 16. *Noes* 36. *Neutral* 16.

The motion was lost.

X.—A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920 (BILL No. 25 OF 1932).

* Mr. P. C. Moses :—" I beg to move—

' *that the Bill* [a] *to amend the Madras Local Boards Act,* 1920, *for certain purposes* (*Bill No.* 25 *of* 1932) *be taken into consideration.* '

" There are many villages in the Madras Presidency where there are large Christian and Muslim communities, but they are not sufficiently large to secure representation on panchayats through election. The principle of providing safeguards in the constitution itself to protect the interests of the minority communities through reservation has been accepted in the case of elections to municipal councils, district boards and taluk boards. I ask for the extension of this principle to panchayats also. I hope that this very modest request of mine would meet with the unanimous acceptance of the House."

[a] Published in the *Fort St. George Gazette*, dated 30*th* August 1932.

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Mr. DANIEL THOMAS:—"I second this motion, and in doing so, I have two considerations. One is that the village panchayat is the foundation for the structure of Local Self-Government. So proper and adequate representation of minority communities is quite necessary. In the present Act, reservation of seats for Indian Christians and Muslims has been provided for both on the taluk boards and district boards; and I believe it is but fair and necessary that a similar provision should be made in the case of village panchayats.

"The other thing that I wish to point out is that this provision as contemplated in the present Bill is simply an enabling provision. It only provides that in places where the Government is satisfied that the population of the minority communities is such that they cannot receive adequate representation on the village panchayats by means of direct election, seats have to be reserved for them.

"I believe the Government are always ready to consider the claims of minority communities and make arrangements for safeguarding their interests wherever such arrangements are called for. I, therefore, believe that this Bill which is sound in principle and easy in working and which is intended to effect a proper supervision of the working of the panchayats by the Government will be accepted by them and passed into law." 3 p.m.

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"May I move with your permission that this *Bill* be taken up for consideration to-morrow morning as we are in consultation with the Advocate-General on certain points in this Bill?"

The adjournment motion was put and carried.

XI.—THE MANGAVARAM, ANAKAPALLE AND NAKKAPALLE IMPARTIBLE ESTATES BILL [a] (BILL No. 17 OF 1932).

* The KUMARA RAJA OF VENKATAGIRI:—"Before moving that the Bill to make the Mangavaram, Anakapalle and Nakkapalle estates as impartible estates be taken into consideration, I wish to make only a few observations since only a few minutes ago Kapileswarapuram Bill was passed, especially after the forceful speech of my hon. Friend Mr. Sami Venkatachalam Chetti. In regard to this Bill let me just say that the Impartible Estates Act is intended not only for the benefit of the head of the family but also for the junior members of the family. It will be unnecessary for me to state in detail how it would benefit the junior members of the family. Without the Impartible Estates Act it will be difficult for the head of the family to come to the rescue of the junior members in time of need or carry any scheme of importance either for the benefit of himself or for the benefit of his tenants. As I am sure this Bill will be accepted by the House I do not want to take up much of the time of the House by going into details.

[a] Published in the *Fort St. George Gazette*, dated 23rd August 1932.

"I, therefore, move—

'*that the Bill be taken into consideration.*'

The RAJA OF KALLIKOTE:—"I second it."

The motion was put and carried.

Clause 1.

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I beg to move—

> '*that in line 1 of clause 1 for the words "Mangavaram, Anakapalle and Nakkapalle" the words "Anakapalle and other" be substituted and for the words "Act II of 1904," read "Act, 1904"*'."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I beg to second it."

The amendment was put and carried.

Clause 1, as amended, was put and carried, and was allowed to stand part of the Bill.

Clause 2.

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I beg to move—

> '*that in lines 2 and 3 for the words "Mangavaram, Anakapalle and Nakkapalle" the words "Anakapalle, Bharinikam, Mungapaka, Godicherala, Srirampuram, Koruprolu and Nakkapalle" be substituted.*
>
> '*In line 4 after the word "impartible" the word "estates" be inserted*'."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I second it."

The amendment was put and carried.

Clause 2, as amended, was put and carried, and was allowed to stand part of the Bill.

Clause 3 was put and carried, and was allowed to stand part of the Bill.

Preamble.

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move that—

> '*in lines 1 and 2, for the words "Mangavaram, Anakapalle and Nakkapalle Estates" the words "Anakapalle and other Estates" be substituted.*
>
> '*In line 3 before the words "their Proprietor" the word "that" be inserted.*
>
> '*In line 4 the following shall be inserted after the word "thereof".*
>
> '*And whereas the previous sanction of the Governor-General has been obtained to the passing of this Act*'."

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The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I second it."

The amendment was put and carried.

The preamble, as amended, was put and carried, and was allowed to stand part of the Bill.

The KUMARA RAJA OF VENKATAGIRI :—" I beg to move—

' *that the Bill, as amended, be passed into law.*' "

The RAJA OF KALLIKOTE :—" I second it."

The motion was put and carried and the Bill was passed into law.

XII.—THE MADRAS MONEY-LENDERS BILL[a] (BILL No. 21 OF 1932).

* Mr. C. BASU DEV :—" Mr. President, Sir, I rise to move—

' *that the Madras Money-lenders Bill be referred to a Select Committee consisting of the following Members of this hon. House :—*

1. The hon. Diwan Bahadur Sir M. Krishnan Nayar.
2. The hon. Diwan Bahadur B. Muniswami Nayudu.
3. Diwan Bahadur Sir Alladi Krishnaswami Ayyar.
4. Mr. M. A. Muthiah Chettiyar.
5. Mr. M. A. Manikkavelu Nayakar.
6. Rao Sahib P. Subrahmanyam Chetti.
7. Rao Bahadur R. Srinivasan.
8. Mr. Sami Venkatachalam Chetti.
9. Mr. W. O. Wright.
10. Mr. Daniel Thomas.
11. Rao Sahib V. I. Muniswami Pillai.
12. Mr. C. Krishnan.
13. ,, Basheer Ahmed Sayeed.
14. ,, D. V. Narasimhaswami.
15. ,, C. Indriah.
16. The Mover (Mr. C. Basu Dev).'

" Sir, this Bill embodies a very modest endeavour to bring under some control certain kinds of money-lenders whose methods of business and of accounting are, to say the least, far from being satisfactory. Before I proceed further, I wish to make it emphatically clear that this Bill is not intended to affect the class of big money-lenders and bankers, whom my hon. Friends, the Kumara Raja of Chettinad and Diwan Bahadur A. M. Murugappa Chettiyar, so ably represent. Nor for the matter of that is this Bill directed against any money-lender who carries on his business of money-lending lawfully and honestly. This is essentially a protective measure intended to safeguard the interests of the unwary and unfortunate borrowers and I am sure no honest money-lender can take any reasonable objection to the modest and

a Published in the *Fort St. George Gazette*, dated 30th August 1932.

harmless provisions of this Bill. This Bill requires that money-lenders shall keep and maintain their accounts in the prescribed form and language and also furnish to the borrower every six months a statement of his debt. These two provisions are the chief features of an almost identical official Act passed in the Punjab, viz., the Punjab Regulation of Accounts Act, No. I of 1930 and the penalties for non-compliance with these provisions are almost identical with those contained in the Punjab Act. The penalty for not maintaining accounts in the prescribed form and language is disallowance of the whole or portion of the interest, and the disallowance of costs; the penalty for not submitting the half-yearly statement of account is the disallowance of interest for the period or periods for which the accounts have not been submitted.

3-15 p.m. "I do not think there will be any two opinions either in this House or outside as to the need for the maintenance of proper, standardized and simple accounts especially in the business of money-lending; and when we remember that the bulk of the borrowers are either illiterate or unacquainted with the business methods of the money-lenders, this becomes all the more necessary. I do admit that this Bill does not afford all the protection that is necessary to the borrower, but I am sure that it goes some good way and to the extent that it does it justifies itself.

"The provision in the Bill with regard to the furnishing of half-yearly statement of accounts confers a three-fold advantage on the borrowers while it does not entail any undue hardship on the money-lenders. Such a statement reminds the borrower that he is in debt and acts as an impetus to him to attempt to pay it off. Secondly it would enable him to correct any mistakes or omissions which may have deliberately or otherwise crept into the account. Thirdly it would furnish a very valuable material for putting the Usurious Loans Act into operation. When this Act was passed, it raised great hopes in the borrowers and was acclaimed as a great boon to them, but unfortunately, thanks to the ingenuity and dishonesty of certain money-lenders, it was reduced to practical nullity. At present there is nothing in the hands of the borrowers to prove the past history of a transaction as all the accounts are kept by a certain class of money-lenders in a language and in a form which the majority of the borrowers cannot understand. There is nothing to show whether the transaction has been usurious or not. On the other hand, this statement of account which we provide for in this Bill will be a very valuable documentary evidence in the hands of the borrower and will help the court to decide whether a transaction has been usurious or not.

"I have also added another provision, namely, that every money-lender should register his name and place of business. This was borrowed from the English Act. It is true that money-lenders in England were a small and identifiable community and registration was a practical proposition. I realize that a comprehensive definition of a money-lender is very difficult, but I think that the definition in the Bill is

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sufficiently wide to cover all persons who carry on the regular business of money-lending. I do not think that any great hardship would be caused by the provision regarding registration, while it is capable of yielding great good. There is another provision with regard to the maximum rate of interest that a money-lender can charge, or that a court can award. I have fixed the maximum at 18 per cent per annum. Of course the Select Committee can enhance it or reduce it. But that a maximum statutory limit to the rate of interest is necessary, I am confident everyone will readily concede. The last provision is with regard to the granting of receipts for all sums and articles received by the money-lender from the borrower. Hon. Members know that Marwaris as a rule never grant receipts for anything received by them with the result that the borrower is entirely at the mercy of the money-lender. Often-times when any item is questioned, the money-lender does not hesitate to deny any sums received by him. I have provided two saving clauses, one that all transactions entered into before the passing of this Act should not come within the purview of this Act, secondly that there shall be no presumption of correctness to account against the borrower who receives the half-yearly statement of account but does not deny the correctness of it. These are two savings which I have thought it necessary to include in this Bill.

"The provisions of the Bill are very simple and harmless and if they are put into force they will be very useful in extending a good measure of protection to the borrower. I am unable to agree with some of my hon. Friends who told me that the protection afforded in the Bill is practically nothing. This Bill does afford protection. I would have been glad to add three or more important provisions which would tend to make the protection afforded more complete, but seeing that we have very little time before this Council comes to a close, I thought it better to make this Bill as simple and as non-controversial a measure as possible so that it may easily be acceptable to this House and passed early into law. I do not claim credit for any originality or perfection for this measure. A similar Bill is already in operation in the Punjab under the title of the Punjab Regulation of Accounts Act. I hope that this Bill when it emerges from the able hands of the members of the Select Committee will be shorn of its imperfections and be a presentable piece of legislation, and when it is finally passed by this hon. House, it would afford some measure of protection to the borrowers. With these words I commend my motion for reference to a Select Committee for the unanimous approval of the hon. House."

Rao Sahib V. I. MUNISWAMI PILLAI:—"Sir, I second the motion to refer this Bill to a Select Committee. A measure of this nature has been long overdue. The hon. the Mover of the Bill has explained in detail the various disabilities suffered by the borrowers at the hands of the money-lenders. I would like now to touch on two specific points which need immediate remedy. The first is the keeping of accounts in a language which is not the common language of the place where

the business is carried on. I particularly refer to the practice of the Marwaris keeping their accounts in their own language. No man whether he is literate or illiterate, is able to find out the position of his loan account. Secondly the rates of interest are exorbitant. There is no check whatever on this business and the unfortunate borrowers are greatly handicapped in several ways. I am sure this Bill will afford a great relief to the borrowers. If there is anything in the Bill which will not tend to achieve the objects of the Bill, the Select Committee will, I am sure, rectify it. For these reasons I second the motion of my hon. Friend to refer this Bill to a Select Committee."

* Mr. V. T. ARASU:—"Sir, if I rise to make a few observations pointing out the difficulties in working a measure like this I hope I will not be misunderstood as being opposed to the principles of the Bill. I may say at once that enough public opinion has not been elicited on this measure. I would suggest therefore that the Bill be circulated to public bodies and individuals who are interested in this question for eliciting their opinion.

"Speaking on the merits of the Bill before us, I do not think it is such a simple Bill as the hon. the Mover thinks it to be. The Bill defines a money-lender as

'a person, who regularly pursues the business of advancing loans and shall include the legal representative and the successor-in-interest whether by inheritance, assignment or otherwise of the person who advanced the loan.'

and a loan as

'an advance whether of money or kind at interest and shall include any transaction which the court finds to be in substance a loan.'

"The Provincial Banking Enquiry Committee say in their report that most of the money-lending in this Presidency is carried on not by the so-called professional money-lenders but by the prosperous ryots and the impecunious ones borrow from them. If this Bill is passed, practically all the prosperous ryots in the villages and the prosperous businessmen in cities will have to register themselves as money-lenders. There is another difficulty which has been pointed out by the same Committee. After discussing the pros and cons of the question whether legislation of this kind is necessary to check usury, they have come to the conclusion that the existing Usurious Loans Act is itself effective as it gives the Judge the power to award such rates of interest as he thinks reasonable. I personally feel that the provisions of that Act are quite enough to prevent exorbitant rates of interest being charged by the money-lenders.

"With regard to the rates of interest, I do not think they are generally so exorbitant as certain sections of the House seem to think.

3-30 p.m. "You will note, Sir, that the majority of those who carry on money-lending—or you may call pawn-broking—carry on their trade with borrowed capital. Most of the Marwaris who carry on this trade do so with the help of money borrowed from others and they have

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got to pay certain rate of interest. I am sure you will agree with me that a Marwari cannot possibly raise the amount for carrying on this business for anything lower than 9 or 10 per cent rate of interest. If you realize the fact that the money-lender has to pay 9 or 10 per cent interest for the money he borrows for his trade, you will find that the rate of interest he charges is not exorbitant. It is wrong to presume that money-lenders usually charge a very high rate of interest, as Mr. Basu Dev pointed out, 50 or 100 per cent. I may point out that my experience has always been that even in the remotest corner of a village it is possible to raise money on good security at a rate ranging from 12 to 18 per cent. Therefore it is wrong to presume that the money-lender always demands very high rate of interest. Even presuming that as high as 18 to 24 per cent is charged, if you analyse the profit that the money-lender makes, you will find that after all he is not making as much profit as he is presumed to be. In the profits he is able to make, you must set apart a portion as insurance against the risks he is taking. The risks that he takes can be classified under three heads. The first risk he is running is that the security given for the amount taken, may not be good. Persons go to private money-lenders because they want to borrow secretly without the knowledge of their neighbours. This is the curse of our country. These people go to the money-lenders to borrow without being noticed by neighbours. Therefore it is that they are compelled to pay high rate of interest. The risk the money-lender is running is that the security that is offered to him for lending money, may be spurious or might have been secured legally. He may not be the real owner of the security. All these risks the man who lends money undertakes upon himself. Therefore, if you set apart a certain portion of the profit, the money-lender makes as insurance against these risks, you will realize that the profit that he makes is after all very little. Besides, in calculating the rate of interest, you must also set apart a portion of the profit he makes as wages for his labour. Instead of the money-lender devoting his whole time to his business, if he lent his services to somebody else, he would be paid handsome salary. If you take all these things into consideration—insurance against risks, his wages for his personal labour, the rate of interest he has himself to pay for the money he borrows—you will find that the profit that the money-lender is making is not so high as it is presumed to be. Mr. President, this measure is of a far-reaching nature. It is bound to upset the whole village economy, for if this measure is passed into law, it is bound to have this effect, namely, that the ryot will not be able to raise the money and without it he cannot possibly move his crop to the market and sell it. Before referring this Bill to a Select Committee, I think the Government should circulate it to all public bodies and persons interested in money-lending business and elicit their opinion."

Mr. M. A. Muthiah Chettiyar:—" Sir, at first I did not wish to intervene in this debate. But now I feel I should put forward the view of the Indian merchant I may tell you for the information of

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the House that I am not a money-lender as I am almost entirely a joint-stock banker. I feel that as one representing the constituency of money-lenders, I should put forward their case before the House. It is always very easy to accuse the money-lender of many things. Sir, the question of reform of money-lending has been engaging the attention of the Government and the public for some time especially in the recent past. I see from the Statements of Objects and Reasons that the Bill intends to regulate pawn-broking, whereas the text of it goes much farther away and wants to regulate money-lending as a whole. It is true that some pawn-brokers charge very high rate of interest; that is due to the fact that the risk they take is very high. I suppose that is one of the reasons. It is admitted by all that the rate of interest varies with the kind of risk taken by the money-lender. I have no objection to regulate pawn-broking. In various countries where there is no regulation with regard to money-lending, there are regulations with regard to pawn-broking, because illiterate people deal with them and they want to have some system, with regard to money-lending by pawn-broking. Not a few years ago, there was the Central Indian Banking Enquiry Committee and several other Banking Enquiry Committees. I was a Member of the Madras Banking Enquiry Committee. I was one of those who along with others strongly felt that, while banking should be regularized, indigenous banking should also be strengthened; such bankers should be given more facilities than they are now having. If you peruse the proposals and recommendations of the Banking Enquiry Committees, you will find that they consist of two parts, one for regulating the conduct of the banker and the other for giving more facilities to the banker and linking him with the reserve bank, for remittance and borrowing. To regulate the conduct of the banker and not to give him any facilities at the same time is, I should think, very harsh. I would have no objection if we are able to consider both the proposals together. I should think that it is a question of all-India importance because the problem of the indigenous banking is not one concerning this Province alone but other Provinces also. There are various kinds of indigenous bankers. Such being the case, we all expect the Central Government to give a lead in the matter and after that, if necessary, Acts of the local legislature may have to be passed to suit local conditions. The Bill is supposed to be modelled on the Punjab Act. Let me read a small extract from the report of the Punjab Banking Enquiry Committee. It mentions many defects that have to be guarded against and says that perhaps the greatest difficulty is that there are probably about 55 thousand money-lenders in that Province who deal with a large majority of cultivators. That constitutes a serious problem. Hon. Members need not be told that the problem will be a much bigger one in our Presidency where we have a population of 46 millions as compared with the small population in the Punjab. The indigenous banker has always played a great part in the rural economy and it has been admitted by all the Banking Enquiry Committees throughout India that he is indispensable till a net-work of joint-stock bankers is established throughout the

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Presidency. It will take many years to establish it and in the meantime no attempt should be made to curb him. While trying to reform and regulate banking, we should see that registration is not enforced in such a manner as to entirely curb the incentive to lend. The money-lender is as sensitive as any other merchant. The moment he finds that he cannot lend money safely, that he has to take great risks, that he has got to conform himself to many regulations, he would not be willing to lend money. Naturally he would be an investor and not a money-lender. There is all the difference between money-lenders and investors; in this country we want money-lenders. Retired officials and others who have plenty of money would be investors; but we want in this country money-lenders to finance trade and commerce.

"With regard to the defects in the Bill, I would like to refer to some glaring defects, viz., the question of the language in which accounts have to be kept and the six-monthly statement. With regard to the language, there are various kinds of bankers and they keep their accounts in their own languages as there are some poor bankers who cannot afford to keep a big establishment. To maintain accounts in English or in any other language which the Government may prescribe, will be difficult. There are some bankers who are bankers traditionally and they have been brought up in and habituated to a certain kind of accounting and they will be new to any other kind of accounting. It is said that they do not keep proper accounts. I want to refute this charge on this occasion. After the passing of the Income-Tax Act of 1920, all bankers have to produce their accounts before the Income-tax department; so much so they keep their accounts in good style and many of them have their accounts audited. With regard to the six-monthly statements, as has been pointed out in the Punjab, it will be a huge task if you take into consideration the total number of money-lenders in the Presidency; coupled with that the proviso that it is not incumbent on the debtor to reply to the money-lender expressing his acceptance of the accounts and that failure to do so will not in any way prejudice the claim of the debtor is really uncharitable, I would say. That itself shows the great solicitude the hon. Mover of the Bill has for the debtors. I need not go into the other defects of the Bill. I may only say that it is too premature now to anticipate legislation which ought first to come from the Central Government and later on, if necessary, local Acts may have to be passed to suit local conditions. Sir, the world is not going to come to an end if this Act is not passed in a year or two. I am sure that the Central Government would take action very soon on the report of the Central Banking Enquiry Committee. They are not able to devote their time now to this question as they are busy with constitutional reforms; such questions as the reform of the banking law might wait for a few years. Some points in the Bill have to be made clear. It is stated that the Bill is intended to regulate pawn-broking, whereas it proceeds to regulate indigenous banking. A Bill to regulate the latter has to be framed with very great care with the help of the legal luminaries of

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the Government and studied closely. Many committees will have to be appointed to consider the question, to study the present law of the country, to see that no hardship is caused and to recognize the various kinds of negotiable instruments on which bankers have been lending money.

"In no way should credit be restricted to the merchants. That should be the chief aim they should have before they draft a Bill. That being the case, I should have no objection if the Mover brings in a Bill on a later occasion to regulate pawn-broking on the lines of similar Acts in other countries or in other parts of the country. I accordingly feel that no purpose will be served by circulating a Bill of this nature. I oppose the motion."

* Mr. Yakub Hasan:—"Sir, I rise to give my support to this Bill though I know it is a defective one. There is great need for legislation of this nature. It is notorious that money-lenders have a very fine way of getting interest from people who are unfortunate enough to go to them for loans. In many cases business is crippled on account of the high rates of interest borrowers have to pay. Legislation is very necessary to put a limit on the rate of interest that is being charged.

"Reference has been made to the fact that a Bill was introduced in the Punjab on the same lines as the present one and that it has been eventually passed. There were two parties there, one that supported the Bill and the other that opposed it. It was found that Mussalmans supported the Bill while the Hindus generally opposed it, and therefore it became, in the Punjab, a sort of communal question. The reason for this was that the Mussalmans were generally the borrowers while the Hindus were the lenders. That is why it assumed a communal turn there. There is no chance of such a turn being given to the Bill here in South India. But we must take a very dispassionate view of this matter. The definition of 'money-lender' is very defective. I think we should see that anybody, whether he is a professional money-lender or not, is subject to the provisions of this Bill. I am sure all the defects that have been pointed out can very well be remedied in the Select Committee when the matter goes before it. I appeal to the House that it should give its support to this measure and allow it to go before a Select Committee, so that the defects now contained in it may be remedied there. At the same time, Sir, one or two speeches that were made, especially that made by the last speaker, were to the effect that if any restriction was placed on money-lending, business would suffer as money would not be available. I do not however think that will be the result. On the other hand, I think the borrowers will be in a better position to borrow and their businesses will prosper better if the present high rates of interest are put a stop to.

"Another point was mentioned, regarding the keeping of accounts. It often happens that no accounts are kept. The money-lenders purposely do not keep accounts, or they keep them in such a way that

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when they are produced in court, they would give more difficulties to the borrowers. These people in many cases take not only the interest specified on paper, but they take something extra. If under this Bill the rate of interest is fixed at a maximum of 18 per cent or so, then too I think nothing can prevent the money-lenders from taking that 18 per cent and something more in addition in one way or other. If the system of keeping accounts is insisted upon and the account is rendered to every debtor every six months there would be a check on the interest charged and the actual money received. That will provide some check. I do not think that because there would be many borrowers and money-lenders, and many lakhs of accounts will have to be circulated and all that there would be any difficulty. It is a matter of business and it ought to be done. I would even say that the accounts should be posted then and there and a receipt for the posting of the account should be obtained from the post office, so that it may not be said that the lender did not post it or that it did not reach the other party. I am therefore in full sympathy with the purpose of this Bill. I am conscious that there are some defects in it, but they can be easily remedied in the Select Committee if the Bill is referred to it."

Sriman M. G. Patnaik Mahasayo:—"Sir, there is no doubt that legislation is necessary to limit the interest that is paid to the money-lenders. The Act of 1918 is practically a dead letter because the courts have ruled that compound interest even at the rate of 24 or 36 per cent is not unfair. Therefore I think some limit should be placed on the rate of interest paid. That, I think, is the redeeming feature of this Bill. At the same time, the ingenuity of the money-lenders would defeat any provisions that may be made restricting the rate of interest charged. Even if you say that 18 per cent should be the maximum, what they will do at the time of lending money is: they will take away a portion of the amount they lend then and there, and thus the rate would work to 50 per cent even. Their ingenuity cannot be controlled, and any provisions that you may make in that respect will of course prove futile. There is no good of introducing a penal clause there. You cannot penalize their action because you cannot get any evidence to proceed against them criminally. All the poor borrowers will naturally be at their mercy; this is a country of poverty-stricken people. The poor people have no voice of their own as against these money-lenders, whom they have to approach now and again. Naturally, they cannot go against the money-lenders' wishes; they cannot complain against them. That is how things are going on at present. So, any good that may come out of this Bill can be only from out of the provision fixing the rate of interest at 12 or 18 per cent. The other provisions are practically of no use and they cannot be given effect to."

* Mr. Sami Venkatach[illegible] the comprehensive definition which the [illegible]en to the word 'money-lender' has give[illegible] tions that were

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put forward by Mr. Muthiah Chettiyar. Otherwise, one would hav welcomed the provisions of the Bill. If, as may be understood fron the definition of 'money-lender,' it includes the big commercial firm and other money-lending firms who do not charge exorbitant rates o interest, who keep regular accounts and whose dealings with th borrowers are fair, just and proper, then the Bill is bound to be defeated not because any punishment will deter these big firms from committin offences under this Bill but simply because they would refuse to ge themselves registered as money-lenders and subject themselves to th scrutiny of Police and other Government officers. If the word 'money lender' means that petty man who plies his trade on the veranda, say of his house, who lends money to poor people at very big rates o interest, who deducts the interest even when he gives the money an charges some other fee along with the amount which he gives to th borrower and thereby makes the amount much higher and then take a promissory note for a bigger amount, thus adding to his fabulous rat of interest time after time, or who threatens to stand at the gates o the office in which the borrower is employed, or to report to hi superior the fact of the money borrowed from him—if it is to tha money-lender that this Bill will apply, it will certainly relieve th distress and agony of the poor people who are every day puttin themselves at the mercy of the money-lenders. My hon. Friend M Patnaik has drawn a moving picture of the helplessness of the borrowers. It is quite true, and that is just the reason why this legis lature ought to intervene and give them sufficient support to get them selves out of the clutches of usurious money-lenders—more or les sharks who are found in every village and town. I fear the Mover ha not taken into account the various ingenious ways in which the money lender exacts money from his debtors. I do not know if it will b permissible for the Select Committee to introduce any new provisions I wish the Mover had bestowed more thought; I wish he had consulte persons who are competent to give an opinion on these matters an brought forward provisions which would cover the more exacting term of the money-lenders in the towns and villages. The defect now i more the omission of certain necessary provisions than any imperfe tions in the provisions which are already in the Bill. I should lik to see that this Bill goes to the Select Committee and that the Sele Committee introduces provisions to meet all classes of extortion by th money-lenders from the debtors, while it excludes respectable and bi money-lending firms and persons who are not guilty of chargin usurious rates of interest. and of keeping improper accounts and wh can claim to further the interest of the commercial community of thi Presidency."

* MR. M. DEVADASAN:—"Sir, I support the Bill moved by m Friend in a most eloquent manner. Money-lenders are rich an influential and they are apt to influence the courts of law. Generally the money-lenders have the upper hand in our country. A Bill o this kind might be objected to only by money-lenders. I am neithe

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a money-lender nor a borrower. Shakespeare himself has said 'Neither a lender nor a borrower be.' But considering the conditions existing in our Presidency, I must say that the Bill is necessary.

"Most money-lenders advance money to the people in needy circumstances on promissory notes or hypothecation bonds. On several occasions, they do not credit the amounts repaid and they go to the courts and sue for the full amounts. When they are asked to produce the account books, they dodge the courts; they say they do not keep accounts; yet the courts often are inclined to pass decrees according to the case of the plaintiff-creditors.

"There is another great disadvantage to which a debtor is subjected to in our part of the country, even in our Presidency. In Bombay and other places where the rule of demand draft prevails the creditors cannot claim more than half of the principal towards interest, but in our Presidency, the creditor can claim three or four times the actual amount lent. So, a debtor has to pay three or four times or more times the capital amount which he was obliged to borrow from the creditor. There must therefore be some safeguard for the interests of the debtors. Some of the people who are in needy circumstances are illiterate and as such they can be easily deceived by the creditors. However, I want to say that the Bill is not a complete one. It has to be modified in several respects. One of the important provisions of this Bill is that the Police should investigate into the offences which the creditor is said to have committed. That provision is not wholesome and some other provision must be made in its place, because the money-lenders should not be harassed by these persons. In these circumstances, I must submit that a Bill of this kind should be accepted by this House and with these few words, I support the Bill." 4 p.m.

* Mr. C. R. Parthasarathi Ayyangar:—"Mr. President, Sir, it must be within the common knowledge of every person engaged in the profession of law, how persons who have made payments towards their debts plead in the court of law that they have made payments of this kind or that, either in kind or in cash. As a matter of fact, no court of law will act upon such statements, if they are not supported by receipts or by any competent or substantial defence which a court of law could act upon. Now, the creditors know very well, though they may get any number of payments, if they do not give receipts, they can get their full amount by means of a decree of the court, so that they can get double the amount of what they have really to get. It has now become almost a truism in any court of law for a creditor, to say, 'I do not care, I will get a decree for the full amount covered by the bond or put even the discharged portion into my pocket.' It has now become an almost orthodox method of dealing with such cases. Therefore, the creditor takes full advantage of that fact. I have heard one creditor say, 'Why should I work, I will go and sue upon a discharged bond and get my money back again.' It has become common with many of the creditors to say like that. That is one of the crying evils which I think should be immediately put an end to, especially in the villages.

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"Secondly, there are a number of cases where a co-operative society and a money-lender are running a race in a village, and the co-operative movement is very often defeated. On account of several reasons very well known to us, the person who is in charge of the co-operative movement in any taluk or division, is also the biggest money-lender. He lends his money at enormous rates of interest and he gets it paid through the co-operative society. Now, the effect of not taking early steps to check this error, will be to kill the co-operative movement. I am now having in my mind a certain taluk in my district in which the arrears of the co-operative bank of which a certain money-lender is in charge amount to nearly cent per cent and the interest has not been collected for about six or seven years, but his own private debts have been cleared in full. So, the co-operative movement is in very great danger of being killed by these money-lenders, who throw their money during elections and throw it out broadcast, but when the time comes for payment they make use of the co-operative society. I am speaking with direct knowledge and not from mere hearsay.

"Then, Sir, the third class of cases you have to guard against is litigation especially when young people borrow money by executing pro-notes for large amounts which the money-lenders never pay. Young people, especially, if they happen to be sons of rich miserly parents, enter into such transactions, which come to light only when their sons become penitent, say after five or six years. Very often pro-notes are presented in courts of law for over a thousand rupees, whereas they would have taken only two hundred or three hundred. I remember a certain client came to me and said, 'I have been sued for a thousand rupees, which was not actually advanced.' When the person concerned is young and says, 'My father is a miser and would not give me anything for my expenses, therefore I executed a pro-note, but not for the thousand rupees.' Which court of law would accept it? You safeguard men from creditors who are speculators of litigation or who take advantage of the minority of the person or the ignorance of the people.

"Then, Sir, the income-tax business will be easily done if every money-lender in a village is called upon to register every loan that he gives. The repercussions that it will have if the money-lender is called upon to register every one of his transactions will be that it would diminish dishonesty in the village, help the income-tax officers, re-act upon the co-operative society and save young people from ruin. It will give a substantially correct information as to the solvency or insolvency of any village firsthand without being put to the necessity of going and investigating them. Then, the Sub-Registrar's office will get more income and Government will be benefited, especially if every money-lender is called upon to register his income and his transactions in the sub-registry office. I do think from the experience we have had in the past, that it is absolutely essential, seeing the indebtedness of many of the people

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in all the villages, especially on account of the money-lenders who dominate the co-operative societies, and the elections to the taluk and district boards, that the money-lender is called upon to furnish accounts, and the immorality that is attendant upon the present system of money-lending is put an end to. Are not the accounts of co-operative societies open to everybody? Why should money-lenders alone be exempt from all this? The district bank accounts are open to anybody if he wants to know the solvency of the bank. Why then should money-lenders occupy a better position than that of other banks? A co-operative society will not open its accounts to any one, only when it is dominated by money-lenders. Otherwise it is open to anybody. I do not therefore see any reason why a money-lender should be placed in a better position than a co-operative society.

"Therefore, Sir, all these things can be thrashed out more fully in the Select Committee. As regards transactions entered into by the big banks, their accounts are certainly open to such people as have any voice in the management of those banks. It is only this petty way of doing business that has to be brought to an end. I think the Select Committee will find ways and means of getting over these things."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Mr. President, Sir, Government oppose this Bill. Arguments have been advanced to-day on the floor of this House both in support of this Bill and in opposition to this measure. I do not wish to tire the House by going into all the sections of the Bill. I will just refer to one or two clauses in the Bill and show that the Bill on the whole should not be accepted by this House. I must say, at the outset, that the creditors as well as debtors deserve protection. Protection shonld not be one-sided. One provision that hon. Members of this Council will find in this Bill is this, that at the time of payment by the debtor of a portion of either interest or of principal, to the creditor, the creditor, that is the money-lender, must give a receipt—a very healthy provision. But the Bill does not stop there. It further goes on to say, that failure to give a receipt will be taken into account against him in a court of law. That alone is not the only provision. His failure to give a receipt for any reason whatever is punishable, and it is made an offence. And what is more, not only is it made an offence, but it is made a cognizable offence. Any Police officer above the rank of a Sub-Inspector is given authority under this Bill to take cognizance of this omission to give a receipt. This, taken with the definition of the money-lender given in the Bill, makes it extremely difficult for any person who lends money—not necessarily a professional money-lender to transact his business.

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"My hon. Friend Mr. Basu Dev who introduces this Bill says that this is based upon the Punjab Act. There is no provision corresponding to this in the Punjab Act. I tried to get a copy of the Punjab Act and I was not able to get one—it is not available anywhere here. By the courtesy of my hon. Friend, Mr. Basu Dev, who lent me

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his copy, I was enable to read tbe provisions in the Punjab Act. There is no provision corresponding to this in the Punjab Act. Failure to give a receipt is not made an offence under that Act, not to speak of the fact that it is not made a cognizable offence. Then again, one of the worst features of this Bill, I believe, is clause 6 which says that the maximum rate of interest which a money-lender, a creditor, is authorized to receive from his debtor is 18 per cent. He is not entitled under any circumstances to receive more than 18 per cent. Whatever the contract may be, even though the contract may be to pay a higher rate of interest, say 20 per cent or 24 per cent, that contract is not binding. That is, I believe, too much. That sort of interference with the freedom of contract, I think, should not be encouraged by this House. And what is more, the opinions of all persons who are entitled to speak on this provision with authority is to this effect, that a statutory fixation of maximum interest does not serve the object for which is intended. The Government of India are of that opinion. And the Indian Central Banking Enquiry Committee which has reported on this matter has stated thus with reference to this provision:

'We are unable to agree with the suggestion to amend the Act (that is, the Usurious Loans Act) so as to fix a definite statutory limit to the rate of interest. This will be neither workable nor effective.'

"With reference to this, the Government of India also say this:

'All previous considerations and the general arguments point to the conclusion that the fixation of a maximum rate of interest does not constitute a satisfactory remedy for the mischief.'

"I am of opinion, from a perusal of these high authorities that it will not be wise to fix a maximum rate of interest. Here again, this provision does not find a place in the Punjab Act.

"Then, there is another matter which is probably far more important than all these considerations and that is this. The money-lending business exists not only in this Presidency but all over India and all over the world as well. This is a matter, I think, which is for legislation by the Central Legislature, and as a matter of fact the Government of India are contemplating the initiation of legislation on this subject. That is another reason, I submit, Sir, why this Council should not accept this Bill.

"My friend says that this Bill is based on the Punjab Act. In the first place it will be remembered that the Punjab Act is a very recent one. It was passed only in the year 1930 and till June 1931 it had not been brought into operation in the Punjab Province. My friend Mr. Basu Dev will be able to tell the House whether the Punjab Act has been brought into operation since then. One of the provisions in the Punjab Act is this, that it will come into operation on a date to be fixed by the Government of the Punjab and that the Government ought not to fix a date for bringing this particular Act into operation before they frame rules on the subject, which they are authorized to do under a particular section of that Act. There is also another section which says

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that after these rules are published in the *Punjab Gazette*, the Government should fix a date not on this side of six months or the other side of twelve months for bringing this Act into operation. At the time the Central Banking Enquiry Committee reported, that is, in June 1931, about a year ago, the Act had not been brought into operation. I do not know whether my friend will be able to assure the House that the Act has been brought into operation since then.

"The High Court, which was consulted on this matter, was of opinion that this Bill should not be made an Act. They say that people in this Presidency should wait for experience to be gained by the working of the Punjab Act. I do not know, as I said, whether the Act itself has come into operation. In any case, granting that the Act has been put into operation in the Punjab Province, it could have come into operation only after June 1931. Till that date it was not put into operation. We have had no experience of the working of it. So, according to the opinions of persons who are most competent to speak on a matter like this, the High Court, and by reason of the fact that the Government of India contemplate comprehensive legislation on the subject and on account of the dangerous character of the provisions to which I have referred, I submit that this motion for sending this Bill to a Select Committee should not be accepted by this House. I believe that my friend Mr. Arasu and my friend Mr. Muthiah Chettiyar have given reasons why this Bill should not be accepted. And even those Members who supported the motion for referring the Bill to a Select Committee, for instance, my friend Mr. Sami Venkatachalam Chetti and my friend Mr. Patnaik, made very many observations which I thought were more against the Bill rather than for it. I think that taking all these things into consideration, the wisest course for this House will be to reject this Bill. The Government oppose the Bill."

Mr. Basheer Ahmed Sayeed:—"Mr. President, Sir, after having heard carefully the arguments advanced by the hon. the Law Member, I am not convinced that there is no necessity for this Bill in this province. The hon. the Law Member perhaps knows that this Money-lenders Act of the Punjab is based on the English Money-lenders Act of 1913. The English Money-lenders Act was found necessary because of the rapaciousness of the money-lenders and the way in which money-lending business was carried on in that country, a country of such high enlightenment and advanced morals and advanced culture. When necessity arose in England for a Money-lenders Act, the necessity was felt much more in a territory like the Punjab where 90 per cent of the kisans, 90 per cent of the ryots were in the grip of the money-lenders. So the Bill was made into law, and I think that that has now been given effect to. I cannot contradict with definiteness the statement that the Bill is not given effect to, but I believe it has been given effect to. Now, Sir, the hon. the Law Member stated that the provisions of any Act should not be one-sided. I think, Sir, from the experience that we, as lawyers, have gained in the High Court, the Small Cause Court and in the

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courts in the mufassal, that the Bill is more in the interests of the money-lenders rather than of the debtors. Money-lenders need a judge like the one who is now at Secunderabad; they felt greatly aggrieved when they could not prove the payments made to them by the debtors, and when they could not produce satisfactory evidence before the courts of law to prove that no payments were made to them by the debtors. In fact, Sir, for one or two years that particular judge was presiding over a certain court in the Presidency town, the money-lenders were really feeling great difficulties and great handicaps in proving their claims before the court. I think at that time I felt that there was a necessity for a Money-lenders Act in this province in order to safeguard the rights of the creditors and debtors. For one thing, the money-lenders do not know any language current in this province, not even a single language. They keep their accounts in the Gujarati language. Although it has been approved by the Privy Council in a certain decision, still the manner of their keeping accounts is so objectionable and the get-up of the books is so undesirable that something is necessary to be done in order to compel them to keep proper accounts which can be believed to be true and correct. These loose sheets written in Gujarati tied up into a bundle brought before the court and taken to be true by certain judges are certainly a great handicap and present great difficulty more in the way of the debtors who have very nearly in many cases paid up the whole amount. They are not given any receipts. My hon. Friend the Law Member said that failure to give a receipt should not be made cognizable. That is a very valid observation and it ought to be accepted in the Select Committee that failure to give a receipt should not be made a cognizable offence. That would certainly be done in the Select Committee where the hon. the Law Member will also be present and his opinions will carry the greatest weight among the members of the Select Committee. That cannot be an objection so serious as to be insuperable.

" Then, with regard to the high rate of interest, even as it is, there is the Usurious Loans Act which gives power to the court to disallow a very high rate of interest when the court thinks that it is unconscionable and it is against the public interest to allow such rates of interest. That being the case, a rate of 18 per cent is not really so small a rate as to work any hardship on the money-lenders. In fact, money-lenders are to-day charging cent per cent or 200 per cent and in some cases even 300 per cent. The courts every day feel the difficulty in sifting the truth as between the debtor and the creditor, and unless we are going to regulate this trade, I do not think there will be any saving of these poor ignorant people, who do not know what business is and what their contractual obligations and rights are. We must try to save them from the increasing and appalling poverty into which our people are running from day to day. It is very necessary on the one hand in the interests of the debtors that there should be some regulation of this trade. Every

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rade within municipal limits is being regulated by the Corporation under the law, and I do not see why there should be any objection to regulate the money-lending business or trade by calling upon the money-lender to maintain proper accounts and keep them in the language known to the borrowers, and to restrict the rate to a certain figure. Are we not interfering with the freedom of individuals, are we not trespassing into marital relationships between men and women, are we not legislating and have we not legislated upon more affectionate and more sentimental things than the business of money-lending? I do not think there is any justification for the Government to oppose this measure. Every time when officials bring forward legislation it is presumed that that legislation is necessitated by certain circumstances and that there is no gainsaying its necessity. It is presumed and assumed that it is impossible to carry on the King's Government without that legislation. But whenever any non-official tries to bring forward legislation in this Council, the Government have not at all been sympathetic, they are very reluctant to accept it, they even throw obstacles. After all constituted as this Council is under the present constitution, opportunities for legislation by non-officials are very few and the Government do not encourage legislation. This was not the policy aimed at originally when the Government of India Act was passed. That being the case, the Government ought to encourage legislation of this kind, and particularly so when the non-officials feel that there is necessity for such a legislation which the Government themselves have failed to undertake. It is quite easy for the hon. the Law Member to say that the Government of India are contemplating legislation on the subject. But when is it to come? The other day a Member of this House wanted to introduce a measure for the probation of offenders; that was also thrown out by the Local Government even before it could be brought into the Council on the ground that the Government of India is taking up such a measure and that it is an all-India matter.

"Every measure whether local or whether it is municipal may be treated as an all-India measure. That being the case, I do not think, 4-30 Sir, that it is a valid or weighty argument for throwing out this p.m. motion for reference to the Select Committee. Now, Sir, the framing of the rules was referred to by the hon. the Law Member. Government will certainly get powers to frame rules. The power to frame rules may be inserted and other defects in the Act may be remedied. It is not difficult for the Government to remedy these. The power will vest with the Government and Government has been removing many difficulties, discrepancies and defects in the working of several Acts by means of framing rules and regulations for the purpose. That being the case, I do not think there could be any difficulty at all in this measure going forward. The High Court's opinion was referred to. The High Court's opinion was not the proper opinion that should have been obtained for the purpose. The opinion of the Judges of the Small Causes Court and the Judges in the mufassal who

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are dealing with the cases directly is more necessary than the opinion referred to by the hon. the Law Member. The Courts that deal every day with the Small Cause suits and find difficulty in sifting the truth of the transactions, it is those bodies that should have been consulted by the High Court before they could hazard any opinion of theirs. I do not think the hon. the Law Member is in a position to say that the High Court has consulted the Small Cause Court Judges in Madras and the mufassal and then arrived at the conclusion. Besides I do not think the responsible body of the Advocates' Association who is in intimate connexion with the money suits has been consulted by the High Court before they hazarded this opinion. It would have been very well if the Government had arranged to get the opinion of the Advocates' Association of the High Court. That would have been more tangible than the opinion of the High Court itself. The people's representatives feel the Bill necessary in the interests not merely of the borrower but also of the money-lender. The money-lender does not know on account of certain lapses for what amount the money will be decreed. As it is if the suit is for Rs. 200 and Rs. 500 there have been cases where the decree is for Rs. 50 or 60. I know cases where the decrees have been the other way. In certain cases the claimant has not merely to pay the cost but also in excess of what he claimed. That being the case, hon. Members will realize how necessary it is in the interests of the money-lender that he should be armed with certain rules and provisions which would enure for his benefit though he may not be in a position to prove his case now. The debtor should also be protected as far as possible from the grips of the money-lenders. I therefore suggest that the hon. the Law Member should be pleased to withdraw the objection as he will certainly bring to bear as much influence as he is capable of in making the measure what he wants it to be. He is quite capable of doing so. We have experience of it."

Mr. C. Basu Dev :—" My hon. Friend Mr. Basheer Ahmed had anticipated most of the objections and certainly I cannot associate myself with the remarks he has made."

Mr. Basheer Ahmed Sayeed :—" No mala fide was attributed."

Mr. C. Basu Dev :—" Sir, it was pointed out that the Government was unsympathetic."

Mr. Sami Venkatachalam Chetti :—" They do not require a light like you to defend them."

* Mr. C. Basu Dev :—" Sir, I expected the Law Member to say something on the lines of what the Chief Secretary of the Punjab Government said on a similar occasion in 1926, in the Punjab Council. He said :

' The Government has long been impressed by the desirability of securing the general adoption of an intelligible and standardized form of account by persons who lend money to those unaccustomed to business methods. One important object is to furnish courts with easy means of investigating post history of loan transactions which is contemplated by the Usurious Loans Act. The Bill introduced into the

ouncil by the honourable mover and as modified by the Select Committee furnished e basis for the enforcement of an intelligible and standardized form. The Govnment is therefore prepared to assist in shaping that Bill and carrying it through e Council, on the understanding that the amendments which it thinks necessary e accepted, and that no such amendments are made as would render it an unitable measure. The Government reserves the consideration of its final attitude wards the Bill until the Council has concluded its deliberations upon the amendnts which have been or may be proposed.'

"That was what Mr. Dennet, the Chief Secretary, said in the unjab Act in 1926. The Law Member evidently misunderstood me hen I said that this Bill was based on the Punjab Act. The whole this *Bill is not based on it but only* a part of *it. I* never said provisions regarding the maximum rate of interest and the registion of the money-lenders were embodied in the Punjab Act. It only the maintenance of accounts in a definite form and language d also furnishing six monthly accounts to the debtor, that were rrowed from the Punjab Act. Sir, I do appreciate the objecns raised by the hon. the Law Member with regard to the penalty ached to non-granting of receipts. Probably I was hasty. If I was sty, it was because I had every reason to be so. Sir, I have rsonal knowledge of borrowers being persecuted by money-lenders, suits on discharged promissory notes and of things much worse. is open to the Select Committee to alter it or remove it. Now ning to the objections of Mr. Arasu and the Kumara Raja of ettinad, Mr. Arasu's objections merely centred round fixing the ximum rate of interest. In Bombay there is a law with regard to rate of interest, the law of Danduput. I do not know how that working in Bombay. I would like to know if the hon. Member s any knowledge of its working. The hon. the Law Member wanted know about the working of the Punjab Act. I am sorry I have definite information. But in June last when I was at Simla ook some pains to ascertain about its working from the officials of Punjab Government. They said that the Act was in operation l it was too early to say how far the Act was a success. Why uld, we here in Madras wait to see the result of the legislation in Punjab. We should also keep pace with time and bring in legision as far as possible to devise means to protect the borrower from money-lenders. The Kumara Raja of Chettinad said that mbers of his community keep accounts. Why *then is he afraid* this Bill ? My definition of money-lenders does certainly include private companies and bankers. I do not understand why they uld stand against the provisions of the Bill. If as the Kumara Raja Chettinad said his community men are big bankers and moneyders who keep accounts I do not see where the hardship lies. This nly to force those who do not keep proper accounts to keep such ounts. With regard to the furnishing of six monthly accounts nust say it is very necessary as it has many advantages to the rowers while it works no hardship upon the lender. I strongly port it. As I have said they get advantages which will overweigh inconvenience caused to the money-lender. With these words

[The Madras Maternity Bill and the Velliyakundam Impartible Estates Bill were not moved as the Members Messrs. V. M. Ramaswami Mudaliyar and R. Srinivasan were not in their places when called.]

[The City Municipal Act Amending Bill and Velliyakundam Estates Bill were not moved as the Members Messrs. Sami Venkatachalam Chetti and Basheer Ahmed were not in their places when called.]

XV.—THE VELLIYAKUNDAM IMPARTIBLE ESTATES BILL.

Mr. V. P. Narayanan Nambiyar :—" Mr. President, I move for leave to introduce the Velliyakundam Impartible Estates Bill."

Mr. M. A. Manikkavelu Nayakar :—" I second the motion."

The motion was put and carried.

Mr. V. P. Narayanan Nambiyar :—" I introduce the Bill."

[The Velliyankundam Impartible Estates Bill in the name of Rao Bahadur C. Natesa Mudaliyar was not moved as the Member was not in his place.]

[The Velliyakundam Impartible Estates Bill given notice of by Messrs. C. Natesa Mudaliyar, P. Subrahmanyam Chetti and T. Sundara Rao Nayudu and the Beedi Factories Bill given notice of by Mr. Arasu were not moved as the Members were not in their places.]

XVI.—THE BEEDI FACTORIES BILL.

Pandit Ganala Ramamurti :—" I move for leave to introduce the Beedi Factories Bill."

Mr. Harischandrudu :—" I second the motion."

The motion was put and carried.

Pandit Ganala Ramamurti :—" I introduce the Bill."

XVII.—A BILL TO AMEND THE MADRAS ESTATES LAND ACT, 1908.

Mr. C. Satyanarayana Choudari :—" I move for leave to introduce the Bill to amend the Madras Estates Land Act, 1908."

Rai Sahib C. Kolanda Reddi :—" I second it."

The motion was put and carried.

Mr. C. Satyanarayana Choudari :—" I introduce the Bill."

[The Velliyakundam Impartible Estates Bill given notice of by Messrs. Yakub Ali Sahib and Madanagopal Nayudu were not moved as the Members not being in their places when called.]

XVIII.—THE VELLIYAKUNDAM IMPARTIBLE ESTATES BILL.

Mr. M. A. MUTHIAH CHETTIYAR :—" I move for leave to introduce the Velliyakundam Impartible Estates Bill."

Diwan Bahadur A. M. M. MURUGAPPA CHETTIYAR :—" I second it."

The motion was put and carried.

Mr. M. A. MUTHIAH CHETTIYAR :—" I introduce the Bill."

The House then adjourned to meet again at 11 a.m. the next day.

XIX.—PAPERS LAID ON THE TABLE OF THE HOUSE.

[a] 1. *U.O. Note No.* 10825–4, *Public (General), dated the* 3*rd August* 1932, *with reference to the answers given to Legislative Council questions Nos.* 1177–1179, 1181–1190 *and* 1273–1274 *on* 24*th March* 1932, *regarding alleged police excesses at Kallidaikurichi and the answers given to questions Nos.* 1180, 1191–1202, 1247, 1260–1272 *and* 1275–1278 *regarding alleged Police excesses in Tinnevelly.*

[b] 2. *Proceedings of the Finance Committee,* 1932–33, *dated the* 19*th July* 1932.

[c] 3. *G.O. No.* 2897, *L. & M., dated the* 22*nd July* 1932, *fixing the date of retirement of members of certain panchayats (ex unions).*

[d] 4. *List of posts on Rs.* 500 *per mensem and above created during the quarter ending June* 1932.

[c] 5. *G.O. No.* 3308, *L. & M., dated the* 18*th August* 1932, *fixing the date of retirement of members of certain panchayats (ex unions).*

[c] 6. *G.O. No.* 3326, *L. & M., dated the* 19*th August* 1932, *notifying the payment of tax at half rates in respect of certain motor vehicles belonging to the Madura Mills Company, Ltd.*

[e] 7. *U.O. Note No.* 4202–3, *Public (General), dated the* 18*th August* 1932, *with reference to question No.* 1014, *answered on* 12*th March* 1932.

[c] 8. *G.O. No.* 3327, *L. & M., dated the* 19*th August* 1932, *notifying the revision and cancellation of certain notifications issued under the Madras Motor Vehicles Taxation Act,* 1931, *consequent on the introduction of Act V of* 1932.

[c] *G.O. No.* 34004, *L. & M., dated the* 27*th August* 1932, *fixing the date of retirement of members of district and taluk boards in the Vizagapatam district.*

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[a] Printed as Appendix X on pages 143–147 infra.
[b] Printed separately.
[c] Published in the *Fort St. George Gazette.*
[d] Printed as Appendix XI on pages 148–149 infra.
[e] Printed as Appendix XII on page 150 infra.

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[a] 10. *G.O. No. 3423, L. & M., dated the 29th August 1932, fixing the date of retirement of members of certain district and taluk boards.*

[a] 11. *G.O. No. 3425, L. & M., dated the 29th August 1932, notifying the exemption of personal car belonging to His Excellency the Governor of French India from payment of tax under the Madras Motor Vehicles Taxation Act, 1931.*

[a] 12. *G.O. No. 3429, L. & M., dated the 30th August 1932, fixing the date of retirement of the members of the Phirangipuram Panchayat (Guntur district).*

[a] 13. *G.O. No. 3606, L. & M., dated the 8th September 1932, fixing the date of retirement of the members of the Bellary District Board and of taluk boards in the district.*

[b] 14. *U.O. Note No. 3047 D/32-1, Revenue Department, dated the 14th September 1932, with reference to question No. 141, answered on 5th August 1932.*

[a] 15. *G.O. No. 3806, L. & M., dated the 24th September 1932, fixing the date of retirement of members of certain panchayats.*

[a] 16. *G.O. No. 3693, L. & M., dated the 15th September 1932, notifying the splitting up of certain taluks in the Kistna district and division of the district and taluks into circles and reservation of seats.*

[a] 17. *G.O. No 3984, L. & M., dated the 7th October 1932, fixing the date of retirement of members of the Penugonda Panchayat (West Godavari district).*

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

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[a] Published in the *Fort St. George Gazette.*
[b] Printed as Appendix XIII on pages 150–151 infra.

APPENDIX I.

[Vide answer to question No. 163 asked by Mr. U. C. Subrahmanya Bhatt at the meeting of the Legislative Council held on the 31st October 1932, page 24 supra.]

An Appeal to the Members of the Madras Legislative Council and the Government.

The following is a collection of Police excesses in Bezwada and other villages in the district. These are not vague allegations, but particulars with dates and names whose authenticity can be easily verified. The cases are only illustrative, and not exhaustive. The object of this collection is to draw the attention of the Members of the Legislative Council and the Government to the seriousness of the cases and to the urgent necessity of an open and public enquiry, and above all, to urge for the immediate withdrawal of the lathi and the extraordinary powers from the hands of the police.

BEZWADA, (Signed) P. V. SUBBIAH and others.
14th July 1932.

Some Police Excesses in Bezwada and Villages of West Kistna.

N.B.—Cases are illustrative, not exhaustive.

Ill-treatment of women.—(1) Sri Cherukuri Viyyamma, Surapaneni-Annapurnamma and Yenigalla Lakshmamma who carried on Congress propaganda in January 1932 and picketed the liquor shops at Garikiparru in the month of February were ill-treated by the police in a number of ways. Tar and other irritant juices were sprinkled on them, foul water mixed with pig-refuse and other rubbish and also chunam and chilli powder was splashed on their heads. They were abused in filthy language and taken to distant places and let off at night.

(2) Yekkala Punnamma, Tummala Satyavatamma and Koganti Lakshmamma who picketed the cloth shops at Bezwada from 1st March 1932 were harassed for 12 days. Nobody was allowed to give them any food. They were chased from place to place and were not allowed to go and even pass urine privately. Dry cloths were snatched away when they were bathing. They were handled roughly and taken to Nizam's territory and left 90 miles away.

(3) Sri Kollipara Lakshmikanthamma, Surapaneni Annapurnamma, Koganti Lakshmamma, Guttikonda Ramamma, Paladugu Varalakshmamma, Yarlagadda Rathamma and Mikkilineni Lakshmamma on their way to Yelukapadu where they wanted to make salt were harassed at Katur on 26th March 1932 and 27th March 1932. They were searched and abused and dragged and thrown into bandis and taken to

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distant places. Those of the ladies who managed to go back and make salt on 28th March 1932 at Yelukapadu and began to distribute it in villages around were stopped at Ventrapragada and kept in the hot sun from morning till 1 p.m.

(4) Ladies who carried on propaganda from Mudunur village from 1st March 1932 were always abused and harassed. A common feature was to address them "You are in search of husbands, are you" and they would be taken to distant places and left there.

(5) On 17th April 1932, the Revenue Divisional Officer, Tahsildar, Circle Inspector and Reserve Constables visited Mudunur and searched some places and arrested some ladies. The head constable of Vuyyur *insulted a girl of 13 saying that as she seems to have joined the Civil* Disobedience movement in search of a husband she may live with him after Nikka. These ladies were taken to Vuyyur and some of them were then let off.

Beating volunteers in the lock-up.—(1) In the second week of January 1932, a young man named Bhimavarapu Ramachandra Rao was taken to the town police lock-up for distributing pamphlets and was beaten so severely in the night that he vomited blood. This was reported in *Swarajya* of Madras.

(2) On 18th January 1932, Mr. Nekkalapudi Sivaramakrishnayya of Kummamur was arrested and brought to Bezwada Town Police Station and at 11 p.m. he was severely beaten and let off. He crawled out and went to his relation's house.

(3) On 27th April 1932, Mr. Nadella Kutumbayya of Katur who picketed the Bezwada Post office in connexion with postal boycott was arrested and taken to the town police station. He was then beaten with lathis on the head and also slapped. The money in his pocket was forcibly taken and a post card was placed in his pocket forcibly.

(4) On 29th April 1932, Yellapeddi Subrahmanyam who distributed pamphlets in the Court was arrested and kept in the lock-up and was asked to reveal Congress secrets and on his refusal was beaten by the Sergeant and Sub-Inspector. He was forced to sign on some paper.

Some illegalities.—(1) On 29th January 1932, the police arrested Katragadda Ramasithamma of Magalrajapuram for celebrating Independence Day and while the trial was going on, they surrounded her house and prevented ingress and egress till evening. As soon as a fine of Rs. 400 was imposed on her not only her own gold bangles were taken away in realization but the Circle Inspector forcibly took away six pairs of gold bangles belonging to her daughter-in-law. The movables belonging to her son were also attached. To cover this irregularity, they got the house notified under the Ordinance.

(2) To realize the fine of Rs. 1,000 on Kodali Sreeramulu of Marriwada the police attached large paddy heaps and other movables belonging to the joint family and took them away on 23rd February 1932 though this is not permissible under law.

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(3) Besides the three places notified in this part of the district, the police have locked up three houses in Mudunur without any orders of the Government notifying them.

(4) As a measure of punishment, the police represented to the Joint Magistrate, Bezwada, to recommend mixed diet to Messrs. P. Viraraghavagupta, Nanduri Venkateswara Rao and Bommidi Narasimham who were convicted and sentenced to one year rigorous imprisonment on 3rd May 1932 by the Joint Magistrate, Bezwada, under section 17 (1), Criminal Law Amendment Act, and section 5 of Ordinance 5 of 1932.

Beating with lathis—6th March 1932.—Three volunteers who picketed the foreign cloth shops were beaten with lathis. They received 50 to 70 blows. The left hand bone of Sunkara Krishnamurthi was dislocated. He was unconscious till midnight.

7th March 1932.—Six persons were mildly beaten at Bezwada for going out in procession. Seven were severely beaten for picketing liquor shops at Idupugallu. They were drenched in blood. They were brought to Bezwada and left in that state. Mr. Chelasani Ramachandra Rao and six others were given 40 to 50 blows each in Bezwada and their cloths were drenched in blood.

13th March 1932.—A blind Congressman named Bh. Nagabhushanam who went about with a national flag was severely beaten with lathis.

16th March 1932.—At 5 p.m. P. Venkataramayya and four others picketed the cloth shops. The European Sergeant ordered a lathi charge. When the volunteers fell down unconscious, a constable kicked Mr. Chelasani Gangayya on the left side of his chest with his boot. An hour after the Sergeant ordered the unconscious volunteers to get up and disperse. As they did not move, another lathi charge was made on them. A crowd gathered around. At 6 p.m. yet another lathi charge was made. In all, each volunteer received 100 blows. Their knees, ankles, fingers, were literally pounded. The police watched them till 9 p.m. and would not allow anybody to take the volunteers. Then Perepu Venkataramayya and Sunkara Krishnamurthi removed on carts to Governorpet Bandar Canal where they were left under a tree. Two other volunteers were sent to their houses. Chelasani Gangayya was not allowed to be approached till 11 p.m. When he was also brought to Governorpet he did not recover consciousness till first aids were rendered by Dr. S. Mallikharjuna Rao, L.M.S., at about 11-30 p.m. Krishnamurti and P. Venkataramayya were sent to the Government Hospital but on account of their not receiving kind treatment they came away in two days and suffered from the injuries for some days. Gangayya suffered for more than 20 days from the effect.

30th March 1932.—When Perepu Venkataramayya and Vallabhaneni Subrahmanya picketed the cloth shops at 4 p.m. the European Sergeant and Reserve constables beat them severely. When the volunteers fell unconscious they were dragged like corpses for a distance and then thrown into a bandy crosswise. The bandy was taken to the Kistna

river and there the front portion of the cart was elevated and the unconscious bodies allowed to fall down as logs of wood. Mr. Sambhu Sastri aged 60 was also beaten.

1st April 1932.—Messrs. Kurra Venkataratnam and Movva Satyanarayana were beaten for picketing. Mr. Devarapalli Nagayya, a villager, belonging to Chebrole village who was going that way was also beaten. His hand was fractured.

2nd April 1932.—Mr. Vedantam Sambhu Sastri aged 60 who was passing along when two volunteers were being beaten for picketing was pounced upon by the European Sergeant and beaten severely. His cloths were wet with blood. He has not recovered the use of his fingers even after three months.

5th April 1932.—Bhuvanavadiyam Nagabhushanam, the blind Congressman, was once again beaten for carrying the national flag. He fell unconscious and was brought to Governorpet and first aid was given by Dr. Mallikharjuna Rao.

13th April 1932.—Being the Jallianwallahbag Day, three batches of eight volunteers went in procession and the police dispersed them. Twenty-three volunteers were very severely injured.

(1) Mr. Banka Yedukondalu who fell unconscious was three times raised up by the Sergeant who beat again and again. His left leg was fractured.

(2) Mr. Yenduri Viraraghavayya was beaten on his testicles.

(3) Mr. Kambhampati Venkateswara Rao who fell down was turned up and beaten by the Sergeant and he was severely injured under his left eye.

(4) Messrs. Thummala VenkatasubLayya, Tummala Chinna Venkatasubbayya of Mudunur, Yarlagadda Venkatanarayana of Appikatla, Sunkara Virabhadra Rao of Idupugallu, Thathineni Venkateswara Rao of Kunderu were so severely beaten that they were bed-ridden for more than a month. The cloths of these volunteers were drenched in blood. A volunteer who was hurled down rolled down the slope of the canal.

15th April 1932.—Kosaraju Brahmayya of Ventrapragada was so severely beaten that he was bed-ridden for more than a month.

28th April 1932 and 3rd May 1932.—Volunteers were separately arrested and brought together and then beaten under pretext of dispersal.

In May Mr. Atluri Jayaramayya of Vanapamula had his rib broken by the police lathi.

On 30th May 1932, Mr. Chelasani Gangayya of Bhatlapenumarru who was going along near the Joint Magistrate's Court, Bezwada, was asked by the European Sergeant whether he was a volunteer. On his refusing to answer he poked his lathi into his stomach. The volunteer fell unconscious and was not able to consume even water for four days while in the people's hospital.

4th July 1932.—Being the All-India Prisoners' Day, the volunteers went through a very detailed programme ending in the evening with a procession at 5-30 by 10 volunteers. The Sergeant, Circle Inspector and the constables stopped them at the Railway Level Crossing, joined with them Mr. Merugu Devayya whom they brought there and abused them in the filthiest language and lathi charged them severely. Blood flowed like torrents and the volunteers fell unconscious. Mr. Gullapalli Venkatasubbayya of Godavarru had his left hand fractured. The police took away the cloth of Merugu Devayya and left him naked after beating. Mr. Idupuganti Ramakotayya of Nandamur fell into the canal unconscious. The police did not make any attempt to rescue him. He was carried away 100 yards before he was rescued by a passer-by. Yet, his body was not allowed to be brought up the bund. Nobody was allowed to approach the bodies for a long time. Seven persons including the above three were admitted into the people's hospital. Messrs. Kolli Sreeramulu of Kanumuru, Sunkara Virabhadrarao and Kambhampati Venkataratnam of Idupugallu, Messrs. Garikipati Satyanarayana of Patamata and Paladugu Satyanarayana of Gurazada were picked up unconscious and taken to their villages. All these volunteers are so severely beaten that it will take a month before they can resume their normal activities.

Of the numerous cases of beating in Idupugallu, Garikiparru and other villages, only a few are reported and a few examples can be quoted to show the atrocities committed by the police.

(i) On 26th January 1932, three volunteers were beaten for celebrating the Independence Day at Patamata. One of them Mr. Ponnaluri Radhakrishnamurti received a blow just on his left eyebrow also and blood gushed out and drenched his cloths.

(ii) Mr. Gullapalli Subrahmanyam, a Congressman of Medur, was severely beaten and thrown in a prickly-pear bush. He was bedridden for more than a month.

(iii) Mr. Chelamalasetti Koteswararao of Kanumole was so severely beaten that he began vomitting blood for some days. He was forcibly made to sign a paper (2nd April 1932).

(iv) On 17th April 1932, the Revenue Divisional Officer and Tahsildar of Gannavaram, accompanied by the Circle Inspector and Reserve constables, went to Mudunuru and after searches arrested certain ladies and then conducted a meeting when Mr. Anne Nagayya, an old respectable villager, pointed out to them the police excesses. He was pounced upon and slapped and abused. The next day his bull was attached to realize the fine on his son.

(v) Mr. Paladugu Venkatasubbarao of Gurazada with a Gandhi cap on was roughly handled, his cap was taken away and he was beaten and let off.

(vi) Mr. Maddukuri Chandrasekhararao of Ventrapragada began to vomit blood for some days as a result of lathi charge (April).

A list of severe lathi charges in Bezwada and the number of persons injured on each day.

6th January 1932	..	2 (at Idupugallu) ..	7
10th ,, ,,	..	3	
26th ,, ,,	..	(Independence Day) ..	3 at Mogalrajapuram. 3 at Patamata. 4 at Idupugallu.
14th February ,,	..	2	
26th ,, ,,	..	3 (Lothian Go Back Demonstration).	
6th March ,,	..	4	
7th ,, ,,	..	10 (at Idupugallu) ..	7
8th ,, ,,	..	2	
9th ,, ,,	..	7	
12th ,, ,,	..	2	
13th ,, ,,	..	1 (blind man).	
15th ,, ,,	..	2	
16th ,, ,,	..	5 (severely lathi charged thrice).	
25th ,, ,,	..	2	
30th ,, ,,	..	2	
1st April ,,	..	3	
2nd ,, ,,	..	6	
5th ,, ,,	..	3 (including blind man).	
7th ,, ,,	..	2 } Three lathi charges.	Jallianwallah Bagh Day.
13th ,, ,,	..	23 }	
28th ,, ,,	..	9 *(Postal Boycott Day).*	
3rd May ,,	..	5	
4th ,, ,,	..	6 (Gandhi Day).	
8th ,, ,,	..	7	
10th ,, ,,	..	7	
15th ,, ,,	..	5	
20th ,, ,,	..	2	
21st ,, ,,	..	4	
22nd ,, ,,	..	2	
30th ,, ,,	..	1	
4th June ,,	..	2	
5th ,, ,,	..	2	
9th ,, ,,	..	2	
10th ,, ,,	..	2	
4th July ,,	..	10 (All-India Prisoners' Day).	

Abstract from the Register of the People's Hospital, Bezwada (Established 1st April 1932).

Showing number of patients injured in lathi charge up to 4th July 1932.

Out-patients	8	
In-patients	77	
Fractures	3	
Slight injury to the bone ..	1	
Swelling in the hepatic region.	1	Patient vomits whatever taken.
Swelling in the liver region ..	1	
Unconsciousness	1	
Abrasions	10	
Contusions	12	
Punctured wounds	2	
Inflammations	12	

Numerous swellings, bruises, and marks of beating.

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Injuries.

Bridge of the nose extending to the side of eye	1	Thighs	2
Armpit	2	Waist	1
Arms	2	Knees	7
Calves	2	Legs	11
Elbows	8	Ankles	9
Hands	4	Feet	2
Wrist	10	Toes	3
Fingers	2	Back	13
Nails	3	Sides	1
		Buttocks	13

N.B.—Register shows that each patient has multiple injuries.

Press Communiqué of the Government of Madras, Public (General) Department, No. 29, dated Fort St. George, the 17th August 1932.

The Government of Madras have recently received a memorial purporting to be signed by residents of Bezwada town and containing a number of allegations against the conduct of the police in Bezwada and its neighbourhood. Some of the incidents mentioned go back to the months of January and February and all but one of the remainder are said to have occurred on dates before the middle of June. The belated character of the memorial is in itself a circumstance which at the outset must throw some doubt on its bona fides. Appended to the memorial is a list of injuries taken from a register said to have been maintained at the so-called People's Hospital. The Government can attach no importance to certificates issued by an unauthorized institution managed by sympathizers with the cause of civil disobedience. The disinclination of the persons alleged to have been injured to seek medical aid in Government or municipal institutions where proper accident registers are maintained is significant.

District Magistrates have standing instructions to conduct magisterial enquiries into all cases in which death or serious injury is caused in the dispersal of unlawful assemblies. It is open to any person who considers himself aggrieved by the action of the police to prefer a complaint or make representations to responsible officers on the spot. If instead of adopting either of these straightforward courses the persons concerned delay taking action until positive disproof of the accusations becomes difficult or impossible, the Government must assume that the allegations are either totally untrue or exaggerated. In the case of the memorial now under consideration, its authors would appear to have ransacked the files of newspapers, which have been not too scrupulous in the publication of news, in order to compile a string of accusations which they hoped might carry conviction by mere force of numbers. Acting on the principle that if enough mud is thrown some of it is bound to stick, they have not hesitated to make charges against the police, obviously without any genuine verification of the facts. There is no pretence of impartiality and no word of condemnation for the deliberate defiance of the law by the organizers of civil disobedience on whom rests the real responsibility for the misfortunes of their misguided adherents.

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In these circumstances the Government do not propose to order any general enquiry into the allegations contained in the memorial. Some of them have been answered in the Legislative Council in reply to questions and of the remainder only one is of comparatively recent date, the dispersal of a procession in Bezwada on July 4th, so-called "All-India Prisoners' Day." *On the evening of that day* a body of volunteers started a procession in pursuance of the general civil disobedience programme. When called upon to desist, they defied the police and after due warning were forcibly dispersed. In the course of dispersal some of the volunteers received injuries but none of these injuries was serious. *It is not true, as alleged,* that volunteers were beaten into unconsciousness or that one of them was nearly drowned in the canal when trying to make his escape. One volunteer subsequently went about with his arm bandaged in pretence that his wrist was fractured, though in fact he had no more than a slight sprain. So far as is known, none of the persons alleged to have been injured attempted to obtain a medical certificate or to make any complaint at the time. Such being the facts of this comparatively recent incident, little credence can be given to other allegations now too old and stale to call for investigation.

G. T. H. BRACKEN,
Chief Secretary.

APPENDIX II.

[Vide answer to question No. 167 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 31st October 1932, page 28 supra.]

Rule 395 of the Criminal Rules of Practice.

Jurors and assessors to be paid only travelling expenses to view distant scene of offence.

"395. Persons attending a Court of Session or the Court of a *Magistrate in the mufassal* as *jurors or assessors* who have *to travel* more than five miles in order to reach the Court-house shall be entitled to receive travelling allowance for their journeys to and from the Court-house and batta for the period of their attendance, at the rates fixed for witnesses of the *third class* (European and Anglo-Indian or Indian as the case may be) in Rule 387; *Sessions Judges will however have a discretion to allow second-class fares in suitable cases.* If jurors and assessors are public servants, to whom the Madras Travelling Allowance Rules are applicable, they shall be entitled to receive travelling allowance and batta at the rates admissible to them under the said Madras Travelling Allowance Rules and not otherwise, and payments shall be made to them in the same manner as to official witnesses under Rule 385 (1). All jurors and assessors who are required by a Sessions Judge or by a Magistrate to travel more than five miles from the Court-house to visit the scene of an alleged offence shall be entitled to receive their actual expenses for such journey."

Appendix III.

[Vide answer to question No. 171 asked by Mr. Abdul Hameed Khan at the meeting of the Legislative Council held on the 31st October 1932, page 32 supra.]

Table No. 32—Giving capital outlay, operating expenses, revenue, surplus, etc.—interest charged at 6 per cent Scheme (c).

Year of operation.	Capital outlay up to the year.	Capital outlay during the year.	Interest at 6 per cent on capital outlay up to the year plus half the outlay during the year.	Operation and maintenance.	Depreciation and renewals.	Total expenses (5) + (6).	Gross revenue.	Net revenue (8) — (7).	Per cent return on capital outlay $\frac{(9)}{(2)} \times 100$.	Surplus after deducting interest charges (9) — (4).	Accumulated surplus.
	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	PER CENT.	RS.	RS.
Construction period ..	1,26,39,900	..	..	..	..	..	..	..	..	..	— 11,10,020 *
First ..	1,26,39,900	4,55,040	7,72,050	2,62,000	..	2,62,000	3,38,160	76,160	0·6	— 6,95,890	— 18,05,910
Second ..	1,30,94,940	58,840	7,87,460	2,68,000	..	2,68,000	4,69,360	2,11,360	1·53	— 5,86,100	— 23,92,010
Third ..	1,31,53,780	..	7,89,220	2,78,000	..	2,78,000	6,68,980	3,85,980	2·93	— 4,03,240	— 27,95,250
Fourth ..	1,31,53,780	3,55,040	7,99,880	2,78,000	..	2,78,000	7,93,270	5,15,270	3·91	— 2,84,610	— 30,79,860
Fifth ..	1,35,08,820	75,000	8,12,780	2,94,000	..	2,94,000	9,20,340	6,26,340	4·63	— 1,86,440	— 32,66,300
Sixth ..	1,35,83,820	..	8,15,030	2,94,000	1,50,850	4,44,850	10,37,200	5,92,350	4·36	— 2,22,680	— 34,88,980
Seventh ..	1,35,83,820	..	8,15,030	2,94,000	1,50,850	4,44,850	11,69,110	7,24,260	5·33	— 90,770	— 35,79,750
Eighth ..	1,35,83,820	..	8,15,030	3,08,000	1,50,850	4,58,850	13,33,600	8,74,750	6·44	+ 59,720	— 35,20,030
Ninth ..	1,35,83,820	38,730	8,16,190	3,08,000	1,51,640	4,59,640	14,84,140	10,24,500	7·54	2,08,310	— 33,11,720
Tenth ..	1,36,22,550	..	8,17,350	3,08,000	1,51,640	4,59,640	16,05,760	11,46,120	8·41	3,28,770	— 29,82,950

Tenth year—	
Direct capital outlay ..	1,36,22,550
Indirect charges ..	75,000
Arrears of simple interest ..	29,82,950
Sum at charge ..	1,66,80,500
Net revenue ..	11,46,120
Return on sum at charge ..	6·87 per cent.

* Accumulated simple interest at 6 per cent on the capital outlay during the initial construction period.

NOTE.—The works programme during the first year of operation are being executed (in advance of the programme) during the construction period and the statement does not take this into account.

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APPENDIX IV.

[*Vide* answer to question No. 178 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 31st October 1932, page 36 *supra*.]

Letter from V. Hart, Esq., A.M.I.C.E., Engineer-in-Chief, Cauvery-Mettur Project, to the Secretary to Government, Public Works and Labour Department, dated 28th July 1932, *No.* 175-*G*/418.

[Progress report for the quarter ending 30th June 1932—Cauvery-Mettur Project.]

I forward herewith, for the information of Government, the progress report relating to the Cauvery-Mettur Project for the quarter ending 30th June 1932.

ENCLOSURES.

(i)

Cauvery-Mettur Project—Progress report for the quarter ending 30th June 1932.

Budget allotment—

	RS.
Headworks	62,26,100
Canals	15,58,200
Total ..	77,84,300
Expenditure during the quarter	15,15,182

Progress of works—Headworks—Machinery.—The electric winches with motors for the two Towers to lift stones to the top of the dam have been erected and put into commission.

Concrete placing towers.—Both the Red and Black Towers have been in perfect service condition throughout the quarter. Outturn was—

	Concrete.	Mortar for masonry.	Lifting stones.
	UNITS.	UNITS.	UNITS.
Red Tower	3,060	3,140	2,214
Black Tower	2,847	2,120	1,462
	5,907	5,260	3,676

Concreting by Red Tower was stopped from 23rd May 1932. It is solely used from that date for supplying mortar and for lifting roughstone with the aid of the two side jibs newly erected.

Crushers.—All the three crushers were in perfect working condition. The crusher No. 2 unit on the left bank was overhauled and necessary renewals of worn-out parts were made. Outturn was—

	UNITS
Numbers 1 and 2 unit on left bank	2,432
Number 3 unit on right bank	2,666

No. 3 crusher was stopped during June 1932, concrete work giving place to masonry.

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Main dam.—The levels at the various sections of the dam were ranging from +667·00 to +728·00 between L.S. 200 to 4,200; the extreme right flank has been brought to an average level of about +799·00 from chainage 4,910 (i.e.) for a length of about 370 feet, the last 158 feet being completed in all respects.

Excavation—of foundations between L.S. 120 and 200 is in progress. Hard rock suitable for building masonry was not met with east of L.S. 175 at the level originally anticipated. There was an unexpected flood on 18th May 1932 which dislocated the work on the left flank for more than a month. Excavation was resumed on 27th June 1932.

Masonry and concrete—

	UNITS.
Quantity as per revised estimate sanctioned by the Secretary of State	480,000
Quantity as now estimated	539,000
Quantity done during the quarter	40,100
Quantity done to end of the quarter	393,589

Work done during the quarter represents 3,573 tons per diem. Actual outturn during the quarter was ahead of programme. But for the unexpected floods on 18th May 1932, more work could have been done in the rear face of the overflow section of the dam during the quarter. About 72·9 per cent of the dam masonry has been completed to end of the quarter.

Surplus works—Ellis Saddle Cutting.—The work is almost completed. A little clearance to give a free approach to the sluices has still to be done and this will be done gradually so as to utilize the spoil to the best advantage.

Surplus bridge.—The spiral staircase towers at either end of the bridge have almost been completed. Eleven out of the 17 shutter-frames of contact or panel chambers have been fixed in position. Six R.C. columns for conveying overhead electrical transmission lines and lights have been erected and the work of providing electric supply to the bridge is in good progress. Ornamental masonry parapets for the overhead regulating bridge are almost completed.

Barrage gates.—Erection of shutters has been completed. Wire-netting for overhead girders has been completed for four spans. Apron work in rear of the surplus sluice is progressing well.

Boring and grouting.—About 1,968 feet of tripod and 297 feet of calyx holes were drilled; about 2,085 feet of holes were grouted with about 9 tons of cement.

High Level and Low Level Sluices—High Level Sluices.—Cutstone work in the vents is in progress.

Low level sluices.—Temporary arrangements for manipulating the shutters were completed.

Excavation of supply channel from High and Low Level Sluices.—Excavating high ground in front and rear of high level sluices is practically completed.

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About 725 units of channel excavation was done during the quarter.

The work on the masonry drops in the Low Level channel is nearing completion. Work on the 12 feet drop in the High Level channel is in progress. Revetment is being built wherever necessary and about 400 units was built during the quarter.

Sand—

	TONS.
Quantity to be collected	1,250,000
Quantity collected during the quarter	30,750
Quantity collected to end of the quarter	1,033,950
Quantity used on works during the quarter	106,200

Quarrying stones.—Output during the quarter was—

	UNITS.		TONS.
Left Bank quarry	5,859	or	26,630
Right Bank quarry	24,553	or	110,600
Chotamalais	1,343	or	6,104

Workshops.—The shops were fully engaged. During June 1932, about 75 numbers interlocking piles were manufactured for urgent use in left flank protection work.

Power supply.—Bulk supply from Sivasamudram has been satisfactory. Consumption of energy during the quarter was 1,003,000 K.W.H.

Erection of pumps and motors and temporary electric light connexions for the left flank flood emergency work were carried out.

Transport.—About 15,305 tons of cement and 5,321 tons of other materials were handled in transport. About 55 tons of goods and provision were conveyed free for the project staff.

Tests.—Tests were carried on as usual and the results were satisfactory.

Evaporation station—

Month.	Temperature. Maximum.	Temperature. Minimum.	Rainfall.	Evaporation.	Net effect on reservoir.
April	106·2°F	69·5°F	3·13″	12·018″	— 8·918″
May	106·2°F	68·5°F	7·82″	9·898″	— 2·078″
June	100·2°F	72·0°F	1·07″	10·598″	— 9·528″

Number of rainy days during the quarter—23.

Number of days on which temperature was 100 degrees and above—31.

Surki.—About 3,691 tons of surki were manufactured.

Gauging.—Daily readings of the gauges at the Cauvery bridge and at Nattamangalam were continued.

Canals—Main canals and branches—Grand Anicut canals—F. Cross drainages—Syphon aqueduct at 23/60.—Archwork for 15 vents were completed and concreting haunches in progress.

Syphon at 25/3050, 26/00, 27/0075, 28/2750 *and* 28/9450.—These works are almost completed.

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Syphon at 30/25.—Piers 17 to 36 were raised to the bottom of R.C. slab level and R.C. slab laid for vents 1 to 12.

Undertunnel at 1/40 *of Pudupatnam canal*.—The work has been completed.

G. Bridges—Bridge at 29/30.—Materials are being collected and indent for iron articles has been placed.

All other bridges have been completed.

L. Earthwork—No. 1 *Division—Head to* 16/00 *of Grand Anicut Canal*.—All gaps have been practically closed.

Excavation in the Maharajasamudram river portion is in full swing.

Work in other reaches is also in good progress.

Total outturn for the quarter is 6,000 units.

Due to heavy rainfall in April, there was dislocation of work to some extent.

No. 2 *Division—Grand Anicut Canal,* 24/65 *to* 30/60.—About 2,984 units of excavation was done making up a total of 27,088 units to end of the quarter.

Three Distributaries—Grand Anicut Canal system—C. Works—Major works.—Nil.

Minor works.—Forty-five sluices were completed during the quarter.

L. Earthwork.—About 90 units of excavation was done in minor channels in No. 1 Division.

No. 2 *Division*.—Excavation of Rajahmadam branch channel, Alivalam channel, Pudupatnam channel above railway line and Pudupatnam No. 2 channel above railway line, has been completed. In Pudupatnam channel east of railway line, 1,670 units out of an estimated quantity of 2,470 units have been done. One thousand three hundred and fifty units have been done in Sethubavachatram channel east of railway line out of a total of 2,050 units.

Vadavar system.—All completed works were handed over to the Tanjore Circle. The few incomplete works will be handed over before 30th September 1932, when they are completed.

Special Division.—The following statement indicates progress in special division:—

—	Total to be done.	Done to end of previous quarter.	Work done during the quarter.	Done to end of quarter.
1. Block levels	4,000 miles.	4,263	683	4,946
2. Maps sent to Special Revenue Officer for reservation purposes.	394 villages.	333	22	355
3. Maps received from Special Revenue Officer	394 „	193	18	211
4. Fixing sluices and field bothie alignment	394 „	189	13	202
5. Final ayacut hearing	394 „	153	30	183
6. Demarcation of bothies	394 „	139	37	176

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Establishment.—Only minimum establishment is kept.

General—Headworks.—Progress of works has been ahead of programme in spite of the dislocation of works due to unexpected floods on 18th May 1932.

Canals.—Progress is satisfactory.

Expenditure as a whole is not likely to exceed the revised estimate sanctioned by the Secretary of State.

The expenditure in the financial year is expected to be more or less equal to the budget provision.

New irrigation under Vadavar will start from July 1932. Full storage will be available by September 1934.

There is nothing at present to indicate that the forecast will be seriously affected.

Appendix V.

[Vide answer to question No. 183 asked by Mr. M. Devadasan at the meeting of the Legislative Council held on the 31st October 1932, page 39 supra.]

From the Board of Revenue (Land Revenue and Settlement), Ref. B.P. Mis. No. 2578, dated 30th August 1932.

[Subject.—*Irrigation—(Ramnad)—Srivilliputtur taluk—Elundirakondan village—Periyakulam tank—Dry lands—Transfer to wet—Orders passed.*]

Resolution.—As the transfer of 18·13 acres of dry lands to wet under the Periyakulam tank will raise the irrigable ayacut fixed for the tank only by about 6 acres and as the Executive Engineer does not object to this small addition the Board directs that the transfer already sanctioned by the Collector be given effect to. No dry land should in future be transferred to wet under this tank.

2. As regards the issue of water permits, the Collector has divided the dry lands into two groups. He recommends that the lands falling in group (1) may be given water permits every year except in very unfavourable years and that the lands in group (2) may be given permits during years in which the monsoon is very favourable in the beginning. In view of the objections of the Executive Engineer the Collector does not press the issue of permits for lands in group (2). The lands in group (1) are situated either in the middle or on the fringe of the ayacut and their extent is about 50 acres. The Executive Engineer is of the opinion that water permits should be restricted to lands lying on the fringe of the ayacut and should be issued only when the supply is more than enough for the registered wet lands. The proposal to issue permits for listed lands in ordinary years and thus give these lands a claim for the Government water as against other lands does not commend

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itself to the Board in the present case. Even in respect of these lands, the Collector is informed that careful enquiry should be made regarding the sufficiency of supply for the registered ayacut and that permission should be given only if the season is entirely favourable.

3. The irrigation of dry lands with Government water without obtaining actual permission should be promptly penalized. The Collector is requested to inform the ryots concerned at once of the policy to be pursued hereafter.

Copy of letter from M.R.Ry. Rao Bahadur M. Narasimham Pantulu Garu, B.A., B.L., Collector of Ramnad, R.O.C. No. A 4-3579/30, *dated* 19*th August* 1932.

[Irrigation—Srivilliputtur taluk—Elundirakondan village—Periyakulam tank—Irrigation of dry lands.]

Periyakulam is a major source of irrigation maintained by the Public Works Department. The registered ayacut under the tank at the end of fasli 1339 was 588·19 acres. According to the figure in column 13 on page 11 of the Descriptive Memoir of the Nichebanadi minor basin, the maximum irrigable capacity of the tank is 663 acres. But under an addendum issued as stated on page 74 of the memoir, the ultimate irrigable capacity of the tank was fixed at 607 acres. This was not known to the Revenue Department till the Executive Engineer pointed it out in his letter, dated 6th February 1932. In view of the enormous cultivation of dry lands with wet crops with the aid of tank water under permits granted by this department, and under the impression that the ultimate irrigable capacity of the tank was 663 acres, the question of conversion of some of the suitable dry lands to wet was taken up for consideration. In 1930 an extent of 6·82 acres of dry land was transferred to wet after consulting the Executive Engineer. The registered ayacut thus rose to 595·01 acres. On 26th July 1930 Mr. Shield called for transfer proposals in respect of 18·71 acres said to be similar to 6·82 acres already transferred. As desired by the Executive Engineer, he also wanted a list of survey numbers of fields which were under water-rate cultivation for five years. Accordingly, the Tahsildar and Public Works Department Supervisor made a joint inspection, and selected 68·55 acres for transfer. The Supervisor having agreed to the transfer of the entire area of 68·55 acres, Mr. Shield passed orders on 28th February 1931, transferring only 18·13 acres for which the consent of pattadars was available. Accidentally, the transfer statements in respect of 18·13 acres were not returned approved and the Tahsildar could not give effect to the order of transfer. Meanwhile further report was called for from the Tahsildar in respect of the remaining lands which he was instructed to classify under two heads, viz., (1) lands under water-rate cultivation for five years and selected by the Tahsildar and the Supervisor, Public Works Department, for transfer and (2) lands not recommended for transfer whether the owners applied for it or not. These lists were furnished to the Executive Engineer whose opinion on the transfer was invited on 14th August 1931. All this time, it was believed that the maximum irrigable capacity of the tank was 663 acres.

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2. In reply, the Executive Engineer sent a copy of his report to the Superintending Engineer, on the subject and recommended that the water-rate cultivation might be permitted up to a limit of 12 acres which probably represented the difference between the maximum irrigable capacity, i.e., 607 acres and 595·01 acres which was the registered wet extent under the tank prior to the transfer of the 18·13 acres referred to. *From this reply, it is clear that when reporting to the Superintending* Engineer on 6th February 1932, the Executive Engineer was not aware of the 18·13 acres transferred to wet as a second instalment. In view of this fact and of the fact that the transfer of this area was ordered under a mistaken view that the irrigable capacity of the tank was 663 acres, the conversion orders in respect of these 18·13 acres were held in abeyance by Mr. Stewart pending a final decision of the question, but the Tahsildar was ordered to issue permits in these cases. The Executive Engineer was then asked about the necessity of retransferring some of the lands to dry. The Executive Engineer replied that the transfer might be allowed to stand as the registered wet ayacut including this area was only 6 acres in excess of the ultimate irrigable capacity of the tank.

3. I inspected the tank and its ayacut on 22nd July 1932 in company with the Subdivisional Officer, Public Works Department, whom the Executive Engineer deputed for the purpose. As a result of the inspection, I came to the following conclusions:—

A. Conversion of dry lands to wet.

(*i*) Permanent conversions should be given up altogether in future, as the tank is working at a high duty already and the ultimate ayacut which it can irrigate has almost been reached.

(*ii*) The transfer of 18·13 acres sanctioned on 28th February 1931 and kept in abeyance may be cancelled, as those lands are now found to be not under wet cultivation for five continuous years, and therefore not entitled to be converted.

B. Grant of permit for irrigation of dry lands.

(*i*) As a concession for those disappointed by the cancellation, the area mentioned in item A (*ii*) above should be put on the list of dry lands for which permits may be granted except in very unfavourable years.

(*ii*) Similarly, lands which are surrounded on at least two sides by wet lands and are also low lying may be granted permits every year, except in very unfavourable years.

(*iii*) Permits need not be granted for other dry lands ordinarily but as the statistics show that hundreds of acres are cultivated under permits every year for the last ten years except in fasli 1336—a year of drought—and as there has been little or no remission, the Tahsildar might obtain the Sub-Collector's orders and issue permits after the usual enquiry during years in which the monsoon is very favourable in the beginning.

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(*iv*) Dry lands should not be cultivated with wet crops with the aid of the tank water before permits are sanctioned, and any transgression of this rule should be visited by penalty.

4. I invited the opinion of the Executive Engineer on these proposals. His reply is abstracted below with my remarks thereon:—

Point A (*ii*).—That the conversion of the 18·13 acres of dry lands as wet was agreed to by the Executive Engineer and Mr. Stewart, my predecessor, might stand, and that on enquiry, he learnt that most of these lands have been under wet cultivation continuously for five years, which fact might be verified once again.

Remarks.—It is gathered from village accounts that none of these lands were under wet cultivation for continuously five years. As conversion orders were held up, I thought that they might be cancelled. If, under the circumstances, the Board is inclined to put the conversion orders into effect, I have the least objection to it.

Point B (*ii*).—That the issue of water-rate permits should be restricted to the lands which lie on the fringe of the ayacut and that the permits should be issued only after a careful examination of the season and after assuring that there is more than enough water for the settlement ayacut. At the end of the letter he says that he does not agree to the issue of water-rate permits to any land under the tank.

Remarks.—My suggestion refers to the lands which lie either in the middle or the fringe of the ayacut. Enquiry regarding the availability of water for the irrigation of dry lands over and above the requirements of the ayacut lands is made even now, before permits are granted. I would have the proposal of the Executive Engineer in the earlier part of his reply accepted. My suggestion is entirely within its scope and on the other hand more restricted in its application, as I have added the clause " And are also low lying " thereby excluding high level lands in the fringe of the ayacut. In view of the Executive Engineer's opinion in the last sentence of his reply, I am prepared to withdraw item (*iii*) of my suggestion under B.

5. Panchantangi tank is only an auxiliary to Periyakulam tank and has no separate registered ayacut. The figure as to the maximum irrigable capacity applies to both the tanks as a single source of irrigation.

APPENDIX VI.

[Vide answer to question No. 188 asked by Mr. Basheer Ahmed Sayeed at the meeting of the Legislative Council held on the 31st October 1932, page 42 supra.]

Statement showing the number of permanent and temporary posts in the Madras Record office on 1st April 1931 and the number of Brahmans and Non-Brahmans holding these posts.

—	Total number of posts.	Number of posts held by Brahmans.	Number of posts held by Non-Brahmans.	Number of posts vacant.
Permanent—				
Senior Assistant	1	..	1	..
Assistants	3	1	1	1
Referencers	7	4	2	1
Clerks and typists	4	3	1	..
Attenders	35	..	35	..
Durwans	2	..	2	..
Peons	3	..	3	..
	55	8	45	2
Temporary—				
Curator (I.C.S. Officer)	1	..	1	..
Assistant Curator	1	..	1	..
Re-print clerks	4	1	3	..
Indexers	9	2	..	7
Attenders	12	..	12	..
Binder	1	..	1	..
Peons	2	..	2	..
	30	3	20	7

APPENDIX VII.

I

[Vide answer to question No. 197 asked by Mr. V. M. Ramaswami Mudaliyar at the meeting of the Legislative Council held on the 31st October 1932, page 51 supra.]

List of items of independent research work for which the Mycologist is solely responsible.

Study of mosaic disease on Acalyphas—a common weed plant—and its relationship with the mosaic disease on field crops, both cereals and pulses.

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2. Study of the genetic relationship between the two (uredoteleuto and æcidium) stages of the rust fungus. One stage is passed on cereals like cholam or cumbu in the plains or barley or oats on the Nilgiris. The second stage is noticed on Ocimum canum, a common plant on field bunds and margins of fields in the plains and on Berberris sp. (Barberry) —a hedge plant on the Nilgiris. When the second stage is passed, the fungus reappears in the cereals again when they are sown.

3. Study of fungi which can kill insects attacking cotton, coconuts, pepper and other industrial crops, e.g., cotton stem weevil, coconut beetle, mealy bug on pepper and coffee scale insects.

4. *Soil fungi.*—Study of the kinds, strength and time of application of (*a*) indigenous drugs, (*b*) fumigants, (*c*) fertilizers in destroying fungi affecting crops without damaging the crops themselves and reducing their yield.

5. Longevity studies of fungi—Bacterium—Red-gram wilt and potato bacterial ring disease.

6. Study of effects of different fertilizers on fungus and mosaic diseases.

(*a*) Mosaic on sugarcane.
(*b*) Leaf-rot on coconuts (for oil seeds specialist).
(*c*) Mulberry mildew (for Director of Industries).

7. Study of the peculiar mottling disease showing itself on Sorghum-sugarcane hybrids evolved by the Government Sugarcane Expert—microtome studies—with a view to compare it with the microscopic characters of the common sugarcane mosaic.

Items 3, 4, 5 and 6 (*a*) have been in progress for some years.

Items 1, 2, 6 (*b*), 6 (*c*) and 7 have recently been taken up.

II

Expenditure of the Mycologist's Section for the past five years.

Budget head.	1927–28.	1928–29.	1929–30.	1930–31.	1931–32.
Pay of officers—Non-voted ..	7,584	8,184	8,784	9,394	9,600
Pay of officers—Voted	4,603	4,903	5,203	5,503	6,553
Pay of establishments—Voted ..	19,346	18,525	20,576	20,970	18,569
Travelling allowances—Non-voted	1,723	1,492	1,390	1,513	1,497
Travelling allowances—Voted ..	2,900	2,750	2,777	3,400	2,330
Apparatus and materials ..	1,409	1,101	1,497	1,120	1,122
Pay of menials	380	368	384	379	374
Contingencies	571	582	445	480	415
Total ..	38,516	37,905	41,056	42,759	40,460

APPENDIX VIII.

[Vide answer to question No. 203 asked by S. M. K. Beyabani Sahib Bahadur at the meeting of the Legislative Council held on the 31st October 1932, page 54 supra.]

Number of students who applied for admission to the Madras Veterinary College from 1920.

Year.	Hindus.	Muslims.	Christians.	Anglo-Indians.	Adi-Dravidas.
1920	199	29	22	1	..
1921	165	26	22	..	1
1922	221	33	17	1	..
1923	137	7	16	..	..
1924	76	8	15	3	5
1925	89	6	12	5	..
1926	99	13	16	2	3
1927	190	26	21	22	..
1928	436	34	50	..	2
1929	567	26	38	..	..
1930	638	61	51	2	3
1931	599	66	44	5	10
1932	201	13	13	..	5

APPENDIX IX.

[Vide answer to question No. 205-A asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 31st October 1932, page 57 supra.]

Extract of paragraphs 3 *and* 4 *of Excise Commissioner's Proceedings R. No.* 1918-*Abk.*/31, *dated* 21*st August* 1931.

3. The indications up to the present are that the experiment of prohibition in this area has not proved a success. The experiment was commenced on 1st April 1930 when the then Commissioner ordered the closure of seven toddy shops and five arrack shops in Tiruchengodu taluk, one arrack shop and two toddy shops in Namakkal taluk and five arrack shops and thirteen toddy shops in Rasipuram taluk. The toddy shops were shut from 1st April 1930. Orders had already been issued on 5th February 1930 and 17th February 1930 restricting marking of trees for shops within five miles to the average of the previous five years ending 30th September 1929 and prohibiting the marking of trees in the experimental areas without the specific orders of the Assistant Commissioner.

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'he following table gives the number of cases detected from 1929–30 o 15th August 1931 under the various heads:—

Period.	Illicit distillation.	Possession of illicitly distilled spirits.	Illicit tappings.	Illicit transport.	Unlicensed sales.	Unlicensed possession.	Ganja offences.	Total.
st April 1929 to 31st March 1930	7	2	28	2	..	..	..	39
st April 1929 to 31st March 1931	14	1	15	1	2	9	1	43
st April 1931 to 15th August 1931	6	..	21	..	..	5	..	32
1st April 1930 to 15th August 1930	..	..	7	..	..	..	1	8

It will be obvious that there has been a serious increase in crime and t must be remembered that only a tithe of the crimes committed are letected. This part of Salem had when the present Commissioner first mew it, an unenviable reputation for illicit distillation. Distillation ıp to a strength of 5° O.P. was not unknown. The inference to be drawn rom the figures of detection given above is that illicit liquor is eplacing to a considerable extent the licit liquor now denied the lrinking public; i.e., that to the extent that this is the case the gain o temperance is negligible, the loss to Government of revenue severe. Moreover there has been considerable diversion of business to the nearest hops outside the area which is much complained of by Mr. Rajagopala-hariar and affords his justification for a demand that the area should e extended. It cannot be denied that enthusiasm for temperance has vaned in the area and this may he due to a slackening of enthusiasm n propaganda by members of the Ashram which in turn may possibly e due to diversion of their activities to other fields. The Excise nspector reports that he has detected a numher of cases of illicit distil-ation and illicit tapping in the very village in which the Ashram is ituated and not very far from it. If the Ashram people cannot control r at least report the existence of abkari crime in their own neighbour-ıood their request for the extension of the dry area, created at their equest, is little justified.

4. There is another disquieting feature arising partly at least out f the creation of this dry area. The trade in bhang bidis manufactured ecretly in Salem town has much increased. Some time ago the nspector, Sankari Circle, seized a packet containing a very large number f bhang bidis. Two bidis cost 6 or 8 pies and are reported to give a atisfactory intoxication: as has happened in other parts of the globe stimulus may have been given to the consumption of harmful drugs nd to the acquisition of the drug habit by the denial of the more amiliar alcohol in the shape of toddy or arrack.

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Extract of paragraph 5 of Excise Commissioner's Reference C.R. No. 8738-Abk./31, dated 17th December 1931.

5. The Commissioner invites the attention of Government to his proceedings No. 1918-Abk., dated 21st August 1931, in regard to the working of the experiment towards total prohibition in the areas of the Salem district. A statement showing the number of cases reported in *the dry areas (of the Sankari and Namakkal Circles) from 1929–30 is* enclosed. There has been a great recrudescence of illicit distillation crime in the areas during this year. The Deputy Commissioner, Southern Division, brings to notice that during his inspection of the Namakkal Circle he met one of the raid parties organized by the Inspector at Aiyampalayam village in Puduchatram range (dry area) on 5th September 1931, to see the state of things for himself in this area, and found that the whole village was reeking with illicit distillation. Seven cases of illicit distillation were detected and 49½ gallons of wash with some illicitly distilled arrack and implements were seized. The village munsif who was living close by admitted that all the inhabitants of the village drank arrack. The Deputy Commissioner received information that the village munsif was behind the distillers and got regular remuneration from them. He has been reported to the Collector. The detection of cases with the existing staff, is becoming increasingly difficult as distillation is conducted on an organized scale by influential Goundars and information such as would lead to detection is hard to get. The Deputy Commissioner is of opinion that the situation is fast becoming hopeless and that the forcing of prohibition on an unwilling people and driving them to illicit practices which result in the securing of cheaper liquor and incidentally making the people more drunken than in a ' wet ' area does not conduce to real prohibition. He considers that the only course open is to reopen shops. On the facts reported by him the inference is entirely justified.

ENCLOSURES.

Statement showing detection in the dry areas of Sankari and Namakkal Circles from 1929–30.

Year.	Sankari Circle.							
	IV. Illicit distillation.	V. Possession of illicitly distilled spirits.	VII. Illicit tapping.	VIII. Illicit transport.	IX. Unlicensed sale.	X. Unlicensed possession.	XVI. Illicit transport of ganja.	Total.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1929–30	19	5	32	2	..	6	1	65
1930–31	9	2	5	..	..	4	..	20
1931–32 (till about 30th September 1931).	16	..	17	..	1	5	..	39
Corresponding period of last year.	4	1	2	..	..	4	..	11

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Statement showing detection in the dry areas of Sankari and Namakkal Circle from 1929—30—cont.

Year.	Namakkal Circle.									
	IV.	V.	VI. Sale of illicitly distilled spirits.	VII.	VIII.	IX.	X.	XII. Dilution.	Ganja offences.	Total.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1929–30	16	4	..	11	..	..	4	1	..	36 + 7 U.H.S.
1930–31	9	2	..	6	1	1	10	..	..	29 + 7 U.H.S. + 1 U.D.C.
1931–32 (till about 30th September 1931).	19	12	1	14	..	..	26	..	2	74 + 1 U.D.C.
Corresponding period of last year.	4	1	..	5	..	..	7	..	..	17 + 1 U.D.C.

Extracts of paragraphs 6 to 8 of Reference from the Commissioner of Excise, C.R. No. 5922-Abk./32, dated 25th July 1932.

6. It is the Commissioner's considered opinion that the urge for drink has been too strong for its votaries and that there has been at the most an inappreciable decline in the number of persons in the area who habitually indulge in strong drink. This is a fact which must be faced. It may not have been foreseen by the promoters of this experiment that in the absence of continued and intensive effort by temperance workers people who could not get drink in the area would go long distances outside it to get it. This was the first fact that was forced on the attention of the present Commissioner. One of the two toddy shops in Sankari close by the railway station was found at about 5 p.m. crowded with drinkers from the two Tiruchengodu weaving communities who had come in by motor bus (return fare 3 annas) a distance of about 6 miles. The shopkeeper estimated that his Tiruchengodu customers averaged from 60 to 90 and sometimes exceeded this number. The Commissioner received information which was confirmed by many weavers in Tiruchengodu itself that other shops outside the area accessible by walking at a distance of 3 to 4 miles were also places of resort for drink. Throughout the dry area this was found to be the case and was a subject of general complaint by weavers and other manual workers and their employers. In order to get drink weavers, Oddars, masons, agricultural coolies, etc., leave their work—some at noon, some at 3 or 4 p.m.—according to the distance to be travelled to the nearest shop. They will not stop drink, they earn less wages working short time and there is correspondingly less to spare for food for themselves and their families. And naturally when sedentary workers like weavers have to walk four miles or more to get a drink their thirst is more acute and

they drink more to quench it. That is human nature all over. In on village visited by the Commissioner the women complained bitterly tha their menfolk left their work early to go to distant shops and stayed ou all night. In other villages women put this habit of resort to distan shops with a consequently shortened working day and smaller wages a their strongest reason for reopening shops. They would much prefe their menfolk not to drink but as this was an impossible ideal the preferred them to drink in their own villages. Many were asked wh they did not give up drink in these difficult circumstances. The repl invariably was that after a hard day's work men who were used to drin could not eat or sleep unless they had their drink.

7. The village munsif of Kumaramangalam, a mitta village, not drinker himself and in no way under the influence of either Excis or the Revenue subordinate officers, gave the Commissioner the follow ing statement:—

"He employs 100 men in weaving. Sixty or seventy of then drink. None of them have given it up since the shop was closed. Thos who drink stop work at 4 p.m. and go to Timmaranathampatti shop, thre miles away. The others work till 7. Those who leave early get les wages. They all go daily to one shop or another. I lose by this. I wan the shop back. Some of the men and the women told the late Commis sioner that they did not want the shop. They said this because ther were quarrels owing to drink. Only a few said this. I was not aske my opinion. I was not present. The workers now want the shops bac as they are suffering in their work. They won't give up drink. Las year there was propaganda both by the District Propaganda Commit tee and by the Ashram. I saw no results of the propaganda. I hav a hundred looms and get no profit for the last 2 years."

The mittadar of Chittalandur which is close to the Gandhi Ashran also supported this view. The scavengers of Tiruchengodu represente through one of their women that both males and females must drink otherwise they could not carry on their unsavory labours; the men there fore go to Sankari or elsewhere and bring back toddy for their womenfolk Throughout the area there was a general complaint, which is supporte by the local revenue officers, that the coolie weavers are drinking a much as before though getting less wages owing to short time, and tha comparatively few have taken the more difficult path of total abstinence The economic condition of the worker who drinks has thus become muc worse instead of better and there is more open drunkenness to be see than before the experiment was made. As the Commissioner was abou to leave the area the Revenue Divisional Officer informed him of a cas that had just been reported. Returning with a supply of toddy i bottles two weavers of Guruswamipalayam quarrelled on the way an one of them killed the other by striking him on the head with a todd bottle; an unwilling martyr in the cause of prohibition.

8. Probably, the worst feature of the experiment in prohibition i the enormous increase in excise crime particularly illicit distillation i the Namakkal sub-circle. In the Sankari Circle as a whole in whic

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crime is not so rampant as in the sub-circle there is a disquieting amount of serious crime—illicit distillation and illicit tapping. In the whole of the sub-circle the increase is most marked. The cases detected rose from 225 in 1930–31 to 513 in 1931–32. Illicit distillation contributed 195 cases as compared with 43; 69 cases of possession of illicitly distilled spirits against 23; illicit tapping cases 125 against 68. In the dry area (of this sub-circle) there were 9 cases of illicit distillation and 2 of possession of illicit arrack in 1930–31. In 1931–32 they rose to 91 and 30 with one case of sale of illicitly distilled spirits and the total crime in the dry area was 192 cases out of the 513 mentioned above. In the first 3 months of the current year 1932–33, 96 cases have been detected in the dry area out of 362 for the whole sub-circle, 32 illicit distillation, 5 possession of illicitly distilled spirits, 48 illicit tapping cases, 1 unlicensed sale of toddy and 10 cases of unlicensed possession. The Commissioner was told everywhere in the sub-circle where he made enquiries that illicit arrack could be got in any reasonable quantity from distillers at 12 annas to one rupee a bottle, and that illicit arrack was being drunk freely throughout the area. In Elur village, the Rural Reconstruction centre, illicit arrack was sold almost openly by a Komati merchant. In Guruswamipalayam it was on sale in the shandy. In one village that was raided 26 separate cases were detected in one day by the Assistant Inspector—two of the accused were caught in the act of distilling again the very next day by the local Sub-Inspector. It is unlikely that the detected cases form 10 per cent of the actual crime that is being committed, and the quantity of illicit arrack passing into consumption must be very considerable. Illicit arrack is for the most part of much higher proof than licit arrack. Any kind of arrack is probably more deleterious than toddy; the working classes undoubtedly would for the most part drink toddy in preference to arrack and take to illicit arrack which is more harmful than even licit arrack owing to the impossibility or great difficulty involved in getting their natural drink which is toddy. This is a set back to the cause of temperance which was expected by the officers of this department but was hardly contemplated by the advocates of prohibition. The incentive afforded by the dry area has in fact elevated illicit distillation to the rank of a cottage industry and a very profitable one at that. A typical instance is Agraharam Mettupatti in which 16 houses were searched and 16 cases detected. Men, women, and even children know perfectly the technique of distillation. The profit on the outlay on raw material is two to three hundred per cent, if not more, and distillers can save money to pay fines when they are caught. It is no exaggeration to say that not only the dry area but the surrounding villages also are steeped in crime, the whole countryside is becoming demoralized. There is also information that illicit arrack is distilled on a large scale in the hills bordering on Attur taluk for sale in that taluk which is dry for arrack and probably only the fringe of this crime has been detected. The Namakkal sub-circle staff is doing very well in detection but the volume of crime is so great (362 cases in three months) that if adequate steps are to be taken to put down crime the circle staff must be strengthened considerably. A large number of cases is contested in the courts for the

prosecution of which at least a Sub-Inspector must be deputed and taken away temporarily from the more urgent duty of detecting and suppressing crime; and the time has come at any rate in the Namakkal sub-circle where the Government must face the position that the policy of prohibition has to be supplemented, if it is to be continued, by a largely increased preventive staff.

Statement.

(i) Representations received by the Government urging the re-opening of shops in the 'dry' area of Salem.

1. Mahazar petition of the villagers of Pillanellur, Guruswamipalaiyam, Komarapalaiyam, Koonavelampattipudur, Palapalaiyam and Kalpalaiyam.

2. Telegram from the villagers of Pillanellur, Guruswamipalaiyam, Komarapalaiyam, Koonavelampattipudur, Palapalaiyam and Kalpalaiyam.

3. Petition from the villagers of Pillanellur, Guruswamipalayam and Komarapalayam.

4. Memorial of the villagers of Trichengode.

5. Memorial of the residents of Nallur and Maniyanur villages.

6. Memorial of the villagers of Bombampatti and Puthur Kishmugham.

7. Memorial of the villagers of Mavureddipatti.

8. Memorial of the villagers of Bombampatti and Musiri.

9. Mahazar of the villagers of Peria Manali, Trichengode taluk.

10. Mahazar of the villagers of Munjanur.

11. Mahazar of the villagers of Thondiappadi.

12. Mahazar of the villagers of Minnampalli.

13. Mahazar of the villagers of Kuppichipalaiyam.

14. Mahazar of the villagers of Elur and other villages.

15. Mahazar of the villagers of Kunnavelampatti, Razipuram division.

16. Mahazar from the residents of Kalangani village.

(ii) Representations received by the Government protesting against the re-opening of the shops in the 'dry' area of Salem.

1. Letter from the President, Village Panchayat Board, Elur, together with a petition each from the residents of Vepambatti, Perumbalipatti, Kandipalaiyam and Pudupatti (hamlet of Elur).

2. Letter from the President, Salem District Urban Bank, Limited, forwarded through Diwan Bahadur R. Ramachandra Rao Avargal, C.S.I.

3. Letter from the President, Village Panchayat Board, Musiri.

4. Petition of some of the villagers of Elur, Namakkal taluk.

5. Mahazar of villagers of Elur proper.

Appendix X.

[Vide item XIX—Papers laid on the table of the House—page 115 supra.]

PUBLIC (GENERAL) DEPARTMENT.

U.O. Note No. 10825-4, *dated the 3rd August* 1932.

With reference to the answers given to Legislative Council question Nos. 1177–1179, 1181–1190 and 1273–1274 on 24th March 1932 regarding alleged Police excesses at Kallidaikurichi and the answers given to question Nos. 1180, 1191–1202, 1247, 1260–1272 and 1275–1278 regarding alleged Police excesses in Tinnevelly, the report of the District Magistrate, Tinnevelly, on the incidents is placed on the table of the House.

G. T. H. BRACKEN,
Chief Secretary.

ENCLOSURE

Letter from A. C. WOODHOUSE, Esq., I.C.S., District Magistrate, Tinnevelly, to the Chief Secretary to Government, dated the 3rd July 1932, No. D. Dis. C1-3984–32.

[Alleged Police excesses—Tinnevelly district—Tinnevelly and Kallidaikurichi—Petitions of Mr. A. S. Kuppuswami Ayyar and 27 others, dated 26th January 1932 and 12th March 1932—Finding.]

A few lawyers describing themselves as citizens of Tinnevelly and Palamcottah alleged in petitions, dated 26th January 1932 and 12th March 1932, addressed to me that the Police at Tinnevelly town and Kallidaikurichi between 8th January 1932 and 12th March 1932 were unduly severe in dispersing picketeers, that they beat innocent people, that they acted illegally in using force at all, and that they ill-treated picketeers. The signatories of the petitions are neither representative of the citizens of Tinnevelly and Palamcottah nor of the legal profession. Neither prominent citizens nor leading members of the Bar have subscribed to these petitions or represented orally that the Police exceeded their powers or were severe in their action. None of the signatories has any personal knowledge of the incidents described in the statement. Some said they subscribed to the petitions because of the contents of the statements placed before them by Mr. A. S. Kuppuswami Ayyar, Advocate, and of the register kept at a congress hospital in Tinnevelly town, their own observations during casual visits to this hospital, and conversation they had with Mr. Kuppuswami Ayyar. The petitions were left on a table in the Bar Library; some were requested to sign and others signed on their own initiative.

2. The evidence relied on by the petitioners is contained in statements recorded at the congress hospital in Tinnevelly town between 8th January 1932 and 12th March 1932, in statements taken

down at Kallidaikurichi by Mr. Kuppuswami Ayyar on 3rd February 1932, and in matter in the congress hospital register. The statements show that the complainants were active workers of congress and out to defy the law or were sympathizers of that body, and that persons interested in the civil disobedience movement got the statements recorded. The congress hospital register was kept by one of the keenest supporters of congress. Coming from such a source, the evidence cannot reasonably be accepted without independent corroboration. Mr. Kuppuswami Ayyar who is mainly responsible for giving the complaints prominence, said that he had independent testimony. He was given an opportunity of naming the persons who would give such evidence, and the persons suggested by him were examined, but none of them supported the allegations against the Police referred to in the petitions.

3. Below, I shall deal first with the complaints from Tinnevelly town and afterwards with those from Kallidaikurichi.

4. A persual of the statements regarding the incidents in Tinnevelly town and of the register kept at the congress hospital shows that neither bit of evidence is free from bias or to be trusted. Dates in the statements have been altered, certificates of attesting lawyers bear dates subsequent to the dates of the signing of the statements, dates in the certificates are sometimes wanting or have been added in an ink different from that used in writing the certificate, and additions have been made to the statements themselves as a result of questions put by the attesting lawyers. It seems too that the certificates were sometimes written after the deponents signed and that in the interval between the signing of the statements by the deponents and the writing of the certificates, the statements were not kept in proper custody to prevent substitution. Such of the deponents as were available and willing to give evidence were examined again by the Subdivisional Magistrate or the District Superintendent of Police. The statements given to these officers show that these persons in their anxiety to make the case against the Police as black as possible have not hesitated to exaggerate, lie and deliberately make false allegations. The congress hospital register has been kept solely with the object of discrediting the Police. It is by no means the accurate record it purports to be. It contains many omissions regarding the dates of admission and discharge of patients. An examination of it showed that sometimes people were admitted without proper cause. Nagalingam who suffered only from pain, was admitted on the 27th February 1932, for fomentation and a dose of epsom salts next morning. I may mention that he came from Kadiyanallur in Tenkasi taluk for treatment though there were other hospitals nearer his home and on the way. On 21st February 1932, the discharge of one Mahalingam Mudaliyar was ordered at 4 p.m. but at the same time directions were given for the application of medicine to his injuries, and he was ordered to be given a bromide

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mixture that evening and a dose of epsom salts next morning. The most glaring instance of fudging will be found on pages 48 and 49 of the register in respect of one Piramanayagam. Under the same date 9th March 1932 two persons of this name were examined and found to have injuries. The injuries on page 49 are more serious and numerous than those described on page 48. Pages 50 and 51 will show that there could not have been more than one man of that name with injuries at the hospital and I have information that only one man of that name took part in picketing in Tinnevelly town. It is clear that injuries were noted differently for the same man. It will also be found from the register that the injuries described in the register and in the statements of the injured persons do not agree.

5. I shall now examine the complaints against the Police. It is alleged that the Police were unduly severe in dealing with picketeers, and assaulted innocent people, also that they exceeded their powers in using force to disperse picketeers. Picketing in the period referred to in the petitions, namely, between 8th January and 12th March 1932 was carried on solely to defy the law and give the authorities responsible for the maintenance of law and order as much trouble as possible. It was the practice for picketeers to go to busy streets to intimidate shop-keepers from selling their goods, and the public from buying. Their action attracted the attention of passers-by, crowds collected, and traffic was seriously obstructed. Picketing and intimidation are cognizable offences. Under the Police Act and the Criminal Procedure Code, it is the duty of the Police to regulate traffic and prevent the commission of cognizable offences. Invariably the Police attempted to persuade picketeers and crowds to move on and disperse. Such persuasion was often mistaken for weakness and hesitation, and the crowds were inclined to be hostile. The Police were jeered at and hooted and stones were thrown—see the statement of Advocate Mr. A. J. Raghavan, one of the signatories of the petitions. The Police in such circumstances were obliged to use force in dispersing the picketeers and the crowds that gathered. In the course of such dispersal, it is not denied that people were injured, but the injuries sustained in these charges of the Police were never of a very serious nature. Some picketeers were more defiant and impertinent than others and so received more strokes with the lathi or cane than others who dispersed after some hesitation. The congress hospital register records no really serious injury on any person. The Police did not use the lathi or cane with the object of inflicting punishment or in excess of the requirements of the situation. No person was singled out specially in the course of charges. All who remained on the spot after being ordered to disperse, were forced to move on. If innocent persons were hurt, the fault was theirs for remaining instead of moving on. It is the duty of all law-abiding citizens to obey without demur the instructions of the Police and to avoid such situations as those referred to in their statements.

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6. It is alleged with much seriousness in the petitions that t Police ill-treated picketeers by sticking pins or needles into then forcing them to swallow urine, or putting ginger into their eyes. this sort of ill-treatment was resorted to, it is strange that none of t *injured persons mentioned the fact on admission to the congress ho* pital. The man who kept the hospital record was only too ready record every thing as some of the entries show, so the omission note down instances of the kind referred to is striking. Further, will be found that no corresponding injury was ever recorded. V. Ram swami according to the petition of the vakils, dated 29th January 193 had a pin stuck an inch deep in an arm. According to his own statement needle was used. However, he had no injury from a pin or needl as the only injury observed was a contusion—see entry under da 8th January 1932. S. N. Sivaprakasam Pillai complained that the Poli *put the juice of ginger into his eyes on 9th February 1932. On admissi* into the hospital half an hour later, it was not noticed that his ey were sore, and no treatment for the eyes was prescribed. One Subbi Pillai Ayan, son of Sabapabi Pillai Ayan, said that the Police ma him swallow urine. There is no record of such a complaint from hi on admission. It is true, he was given a dose of epsom salts ne morning, but every patient treated at the hospital was given a do of epsom salts. This Subbiah Pillai Ayan has proved himself to a notorious liar. He was responsible for identifying in August 19 an exhumed body as that of a fellow congress volunteer, and havin the corpse buried again amidst congress ceremonial—see the *Hind* for 19th August 1931, page 20. A few days later the fellow congre volunteer was arrested in Travancore and found to be a K.D. He w subsequently convicted on a congress complaint of criminal misappr priation. There was also an allegation that the Police kept dogs an set them on picketeers but there is not a scrap of evidence to suppo his statement. It may be that picketeers were bitten by street do as they ran when crowds were dispersed but the Police cannot blamed if they came by injury in that way.

7. I shall now deal with the complaints from Kallidaikurich The complaints arise out of a single incident—the dispersal of picke eers on the 15th January 1932. That afternoon picketing on a lar scale and a general defiance of a section 144, Criminal Procedure Cod order was attempted. Congress workers and sympathizers and othe numbering in all about a thousand collected in the streets and ob tructed the traffic. The Police numbered about forty altogether. T situation was menacing in the opinion of the Sub-Magistrate and t Deputy Superintendent of Police. Persuasion was futile. The Poli were jeered at and stones were thrown. The responsible officers the spot resolved to disperse the crowd by force to restore order. the confusion some persons were injured, but none seriously. T record of injuries kept by a sympathizer of congress will show th the injuries were of an ordinary nature. Here again, some onlooke

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may have been injured but such injury was unintentional, and could have been avoided had these people moved away from the scene as soon as the warning to disperse was given.

8. None of the persons at Kallidaikurichi complained till the 3rd February 1932, when Mr. Kuppuswami Ayyar went there to record statements. Why Mr. Kuppuswami Ayyar should have made it his business to go there to inquire, is not stated. He is a "Citizen of Tinnevelly and Palamcottah."

9. From the facts given in the statements recorded by Mr. Kuppuswami Ayyar and by the District Superintendent of Police later, it does not seem that the Police were guilty of excess of any kind at Kallidaikurichi.

10. To sum up, it is clear that the complaints against the Police were made, not voluntarily, but at the instance of others and in questionable circumstances. The complaints are grossly exaggerated and false accounts of what actually occurred. In many cases, the number, kind and manner of injury as described in the complaints and in the hospital register at Tinnevelly and in the statement of the medical man at Kallidaikurichi differ. The petitioners, unwittingly or knowingly, have jumped to conclusions or stretched facts. Had any of the signatories attempted to bring an impartial and judicial mind to bear on the evidence to which so much prominence is given in their petition, they would have realized, I am sure, that the allegations against the Police were wholly unjustified and unreliable and instead of condemning the Police would have commended them for preserving law and order for the welfare of the community in general in the midst of many difficulties. The Police have faced many disagreeable and trying situations in the period covered by the petitions with commendable tact and consideration. Their discipline and temper has earned the admiration of all-meaning and right-minded citizens.

APPENDIX XI.

[Vide item XIX—Papers laid on the table of the House—page 115 supra.]

LIST OF POSTS ON Rs. 500 PER MENSEM AND ABOVE CREATED DURING THE QUARTER ENDING JUNE 1932.

A. PERMANENT—Nil.

B. TEMPORARY.

Department and designation of the post.	Pay per mensem.	Period of tenure.	Remarks.
		(i) Extension of previous sanctions.	
		Administration of Justice.	
Law (General) Department—			
Sub-Judge, Bellary	Grade pay in the Indian Civil Service.	From 1st April 1932 to the end of February 1933.	For the judicial training of Mr. P. Rajagopalan, I.C.S.
Additional Sub-Judge, Rajahmundry.	Rs. 650	One year from 1st April 1932.	....
Additional Sub-Judge, Devakottai.	Rs. 650	One year from 22nd April 1932.	....
Temporary Sub-Judge, Tenali.	Rs. 650	One year from 1st August 1932.	....
		Civil Works.	
Public Works and Labour Department—			
Executive Engineer, Coimbatore Water Works division.	Rs. 625—1,375	To the end of September 1932.	The continuance of the post beyond 1st April 1932 was provisionally sanctioned for three months, pending the further report promised by the Chief Engineer. Subsequently, the post was sanctioned till the end of September 1932.
Executive Engineer, Ramnad division.	Rs. 625—1,375	To the end of March 1933.	The division was previously called "Madura Special division." Its continuance up to the end of March 1933 has been sanctioned with the designation altered to "Ramnad division."

(ii) *Posts newly created.*

General Administration.

Public (Services) Department—			
Special Officer, Local Self-Government Secretariat.	Rs. 800 plus Rs. 150, special pay.	Six months from 7th May 1932.	To examine the finances of local bodies with a view to stabilising them.
Additional Secretary to Government in the Finance Department.	Pay in the regular line in the Indian Civil Service plus special pay Rs. 250.	Six months from 18th April 1932.	The post has been created in connexion with the revision of the scales of pay, etc., admissible to future entrants to Government service and of the statutory rules governing the conditions of service of the various services.

S. A. VENKATARAMAN,
Deputy Secretary to Govt., Finance Dept.

APPENDIX XII.

[Vide item XIX—Papers laid on the table of the House—page 115 supra.]

PUBLIC (GENERAL) DEPARTMENT.

U.O. Note No. 4202-3, dated the 18th August 1932.

With reference to clauses (*a*) and (*b*) of question No. 1014 answered in the Legislative Council on the 12th March 1932, and the answers to the supplementary question thereto, the following information is placed on the table of the Council:—

(1) The answer to clause (*a*) is in the negative.
Clause (*b*) does not arise.

(2) It is not true that persons who let out their premises for the location of khaddar shops are compelled by the police to give notice to the lessees to vacate; or that any property is seized by the police except in accordance with the provisions of law.

G. T. H. BRACKEN,
Chief Secretary.

APPENDIX XIII.

[Vide item XIX—Papers laid on the table of the House—page 116 supra.]

REVENUE DEPARTMENT.

COMMUNICATION TO THE LEGISLATIVE COUNCIL No. 3047 D/32-1, DATED 14TH SEPTEMBER 1932.

With reference to the answer given to question No. 141 at the meeting of the Legislative Council held on 5th August 1932, the annexed report of the Commissioner of Excise regarding the recruitment and training of Sub-Inspectors of Excise is laid on the table.

J. A. THORNE,
Secretary to Government.

ANNEXURE.

Reference from the Commissioner of Excise, C.R. No. 6169 Abk./32, dated 8th August 1932.

The information called for in the memorandum * read above is furnished below:—

(i) Forty-one candidates were selected by the Madras Services Commission in 1931 for appointment as Sub-Inspectors.

* Not printed.

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(ii) It was intended to employ them during 1932.

(iii) Seven candidates have so far been given the necessary training and appointed. One has resigned and it is proposed to give training to one more candidate.

(iv) Selected candidates are given training in preventive work and office routine before they are placed in independent charge of a range. The training lasts for two months as below—

(a) *Two weeks with an Inspector.*—The Probationary Sub-Inspector will during this period have practical instruction in inspection of depots, shops, topes, tree marking, detection of offences, conduct of prosecutions, case enquiries, drill and kit inspection.

(b) *Four weeks with a senior Sub-Inspector.*—The Probationary Sub-Inspector will, in this period, acquaint himself with all the details of range work and will do the actual work of the range in the company and under the guidance of the senior Sub-Inspector.

(c) *Two weeks in Circle office.*—Office routine and the system under which work in the various ranges comes up to the Circle office and is checked and dealt with there will be explained to the candidate.

(v) It is not possible to say what period will elapse between training and appointment. Generally, candidates are trained when vacancies are likely to arise and are appointed immediately after training. If the vacancies are of short duration the candidate will revert and wait for his further chance. Sometimes training is given to candidates in anticipation of vacancies so that there may not be any dislocation of work for want of trained men in cases of urgency. In such cases, the candidates will be reverted after training and will have to wait for their chance for appointment.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Tuesday, the 1st November 1932.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT :

Usman Sahib Bahadur, *Kt.*, The hon. Khan Bahadur Sir Mahomed.
Krishnan Nayar, *Kt.*, The hon. Diwan Bahadur Sir M.
Campbell, K.C.I.E., C.S.I., C.B.E., V.D., I.C.S., The hon. Sir Archibald.
Stokes, C.S.I., C.I.E., I.C.S., The hon. Mr. H. G.
Muniswami Nayudu, The hon. Diwan Bahadur B.
Rajan, The hon. Mr. P. T.
Kumaraswami Reddiyar, The hon Diwan Bahadur S.
Abdul Hameed Khan Sahib Bahadur.
Ahmed Meeran Sahib Bahadur.
Alagannan Chettiyar, Rao Sahib A. S.
Alamelumangathayaramma, Mrs. K.
Annamalai Chettiyar, Mr. S. A. A.
Ari Gowder, Mr. H. B.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.
Basheer Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Bayappa Reddi, Mr. P.
Beyabani Sahib Bahadur, S. M. K.
Bhanoji Rao, Mr. A. V.
Birley, Mr. F.
Davis, Mr. J. A.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Duraiswami Reddiyar, Mr. K. M.
Ellappa Chettiyar, Diwan Bahadur S.
Foulkes, Mr. R.
Harischandrudu Nayudu, Mr. A.
Hood, I.C.S., Mr. H. M.
Indriah, Mr. C.
Jagannadha Raju, Rao Bahadur G.
Jagannatham, Mr. H. M.
Jayaram Nayudu, Rao Sahib C.
Jones, Mr. C. E.
Kesava Ramamurti Nayudu, Mr. K.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
Kolanda Reddi, Rai Sahib C.
Koti Reddi, Mr. K.
Krishnamurti, Rao Sahib D.
Krishnan, Mr. C.
Kumara Raja of Venkatagiri.
Lakshmana Reddi, Mr. G.
Langley, Mr. W. K. M.
Luker, Mr. F. G.
Madanagopal Nayudu, Mr. R.
Mahboob Ali Baig Sahib Bahadur.
Manikkavelu Nayakar, Mr. M. A.
Moses, Mr. P. C.
Muniswami Pillai, Rao Sahib V. I.
Murugappa Chettiyar, Diwan Bahadur A. M. M.
Muthiah Chettiyar, Mr. M. A.
Muthu Chettiyar, Rao Bahadur P. C.
Nanjappa Bahadur, Subadar-Major S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Mr. D. V.
Narayanan Nambiyar, Mr. V. P.
Natesa Mudaliyar, Rao Bahadur C.
Parthasarathi Ayyangar, Mr. C. R.
Patnaik Mahasayo, Sriman M. G.
Patro, *Kt.*, Rao Bahadur Sir A. P.
Pattagar of Palayakottai.
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Raja of Bobbili.
Raja of Kallikote.
Ramakrishna Reddi, Mr. A.
Ramalingam Chettiyar, Rao Bahadur T. A.
Ramamurti, Pandit Ganala.
Raman Menon, Mr. K. P.
Ramaswami Ayyar, Mr. T. S.
Ranganatha Mudaliyar, Mr. A
Ranganatha Mudaliyar, Mr. G.
Ranganatha Mudaliyar, Mr. M. D. T.
Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
Sami Venkatachalam Chetti, Mr.
Satyanarayana Choudari, Mr. C.
Sesha Reddi, Mr. B. P.
Siva Raj, Rao Sahib N.
Slater, C.M.G., C.I.E., I.C.S., Mr. S. H.
Soundara Pandian, Mr. W. P. A.
Sreshta, Mr. M. S.
Srinivasa Ayyangar, Mr. T. C.
Srinivasan, Rao Bahadur R.
Sriramulu, Mr. G.
Stanes, Mr. F. J.
Subbarayan, Dr. P.

PRESENT—*cont.*

Subrahmanya Chetti, Rao Sahib P.	*Vedachala Mudaliyar, Mr. M.*
Subrahmanya Bhatt, Mr. U. C.	Venugopal Nayudu, Rao Bahadur R. K.
Sundara Rao Nayudu, Mr. T.	Wright, Mr. W. O.
Syed Tajuddin Sahib Bahadur, Khan Sahib.	Yahya Ali Sahib Bahadur, Khan Bahadur.
Thomas, Mr. Daniel.	*Yakub Hasan Sahib Bahadur.*
Thorne, C.I.E., I.C.S., Mr J. A.	Zamindar of Kirlampudi.
Vasudeva Pillai, Mr. V. G.	Zamindar of Mirzapuram.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Education

Discharge of Muslim L.Ts. from Government Service as a measure of retrenchment.

* 211 *Q.*—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) whether it is a fact that the services of some Muslim L.Ts. in the Government service have been dispensed with as a measure of retrenchment; and

(*b*) the name and the period of service of each of them?

A.—(*a*) Yes.

(*b*)—

Names.	Period of service.		
	Y.	M.	D.
Muhammad Abdulla Sheriff Sahib ...	2	2	21
Muhammad Mohideen Sahib	1	3	28
M. A. Majeed Sahib	1	1	11

Mr. ABDUL HAMEED KHAN:—" May I know whether the Government are considering the question of reinstating them in their places? "

The hon. Diwn Bahadur S. KUMARASWAMI REDDIYAR:—" As far as I can recollect, they are not considering."

Mr. ABDUL HAMEED KHAN:—" May I know whether the Government are still considering it ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" No, no. If the hon. Member will give me notice, I shall look into the matter."

Mr. ABDUL HAMEED KHAN:—" Will the Government be pleased to reconsider the question in view of the paucity of Muslim L.T.'s in Government colleges and particularly more so in the Muhammadan College ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The rule is that there must be a certain number of Muslim teachers in the college classes as well as high schools."

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Mr. Abdul Hameed Khan:—" May I know whether these rules have been strictly followed and whether the Government will be pleased to consider the question of reinstating these Muslim L.T. teachers? "

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" The rules have been strictly followed but I do not know that the adherence to that rule would mean the reinstatement of these people."

Mr. Abdul Hameed Khan:—" May I know whether the hon. Minister will be pleased to consider the advisability of reinstating these people in view of the fact that there are not enough number of Muslim teachers in Muhammadan colleges and schools? "

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" I shall consider over the matter."

Fisheries

Stoppage of the Pisciculture propaganda.

* 212 *Q.*—Mr. A. B. Shetty: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) the reasons for stopping the pisciculture propaganda that was being done by the Department of Fisheries; and

(*b*) the reasons for abandoning the survey of the chank fisheries off the Tanjore coast?

A.—(*a*) The expenditure involved in stocking all the suitable wells and ponds with fish of good species was considered to be too high and the Government could not afford to pursue the scheme at a time of financial stringency when the available money could more usefully be diverted to tank stocking operations which have so far proved successful and remunerative.

(*b*) The survey has been suspended for financial reasons.

Refusal of admission to the Adi-Dravida children in the Elementary School at Kavvayi.

* 213 *Q.*—Mr. A. B. Shetty: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) whether the Elementary School run by the Fisheries Department at Kavvayi in North Malabar is open to all communities;

(*b*) whether the Adi-Dravida children who sought admission into the school were refused admission;

(*c*) whether the matter was brought to the notice of the Government;

(*d*) whether a Government Order has been issued prohibiting the admission of Adi-Dravida children into Kavvayi school;

(e) whether there is a Government Order in force insisting on schools admitting children of all communities and that schools should be located in localities accessible to all communities;

(f) whether the Director of Public Instruction and the Commissioner of Labour were consulted before the order was passed;

(g) whether Kavvayi school is located in a place accessible to all communities; and

(h) whether he will be pleased to place on the Table of the House all the papers connected with the subject?

A.—(a) The school is intended mainly for the education of fisher children.

(b) The headmaster of the school did not admit a Pulaya boy presumably owing to the opposition of the fishermen.

(c) Yes.

(d) The Government ordered that the school should continue to be mainly concerned with the education of the fisher children.

(e) There are orders and rules in force in the Educational Department which have the effect of prohibiting the managements from refusing admission to pupils of particular communities.

(f) The Director of Public Instruction was consulted before the orders referred in the previous clause were issued.

(g) No.

(h) [a] G.O. No. 992, Development, dated 25th July 1932, is placed on the table.

Industries

Advertisement by the Government Kerala Soap Institute.

* 214 *Q.*—Mr. V. T. Arasu: Will the hon. the Minister for Education and Excise be pleased to state whether the attention of the Government has been drawn to an advertisement published in the Madras newspapers by the Government Kerala Soap Institute to the effect that the use of the Coal Tar Soaps manufactured by that Institute cures leprosy?

A.—Yes.

Agriculture

Concentration of work of Agricultural Demonstrators in definite areas.

* 215 *Q.*—Mr. A. B. Shetty: Will the hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that the Director of Agriculture has issued instructions that the Demonstrators should concentrate work in certain definite areas; and

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[a] Printed as Appendix I on page 254 infra.

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(*b*) whether they are not permitted to go beyond those centres even when the ryots seek advice and guidance?

A.—(*a*) Yes.

(*b*) A taluk is roughly divided into three or four areas and a centre is chosen for each area. Demonstrators concentrate their attention in these areas. While working in these areas they are expected to visit neighbouring villages and bring to the notice of the villagers the improvements effected in the centres. They attend to urgent calls, whenever received, from neighbouring villages.

Supply of a diseased stud bull to the Indukur Rural Reconstruction Committee.

* 216 *Q.*—Mr. A. Ranganatha Mudaliyar: Will the hon. the Minister for Public Works be pleased to state—

(*a*) whether the Agricultural department supplied a buffalo stud bull to the Indukur Rural Reconstruction Committee during the year and if so, when and for what price;

(*b*) whether when the animal reached its destination, it was found to be suffering from stringhalt and to be dragging one of its hind legs and the fact was confirmed by the Veterinary Assistant Surgeon, Nellore, who inspected the animal a week later and declared the disease incurable and the animal unfit for breeding purposes; and

(*c*) if the answer to clause (*b*) is in the affirmative, the officer responsible for the choice and despatch of a diseased and incompetent bull?

A.—(*a*) A stud bull at a concession price of Rs. 40 was supplied on 6th March 1932.

(*b*) The animal is reported to have been perfectly sound in health before and on the date of despatch, viz., 6th March 1932. The Veterinary Surgeon, Nellore, examined the animal towards the end of March 1932 and advised the owner to have the animal sent up for further examination and treatment. The bull was sent to the hospital on 19th July 1932, admitted as an in-patient for " chronic luxation of the Patella " and discharged on 16th August 1932, with the advice that it should be given a long course of rest and nourishing diet, as the animal made little or no progress.

(*c*) This does not arise.

Mr. A. Ranganatha Mudaliyar:—" It is stated here in answer to clause (*a*) ' A stud bull at a concession price of Rs. 40 was supplied on 6th March 1932.' May I know whether the concession is the usual concession generally allowed in the case of all bulls supplied by the Agricultural department? "

The hon. Mr. P. T. RAJAN :—" I want notice of the question."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR :—" May I know whether the stud bull was one which was already in the farm or whether it was purchased from outside? "

The hon. Mr. P. T. RAJAN :—" Notice."

Mr. A. RANGANATHA MUDALIYAR :—" Has the bull been exchanged since? "

The hon. Mr. P. T. RAJAN :—" Notice."

Medical Administration

Competence of the District Medical Officer, Ramnad, to treat medical and surgical cases.

* 217 *Q.*—Mr. V. T. ARASU: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) the number of years that the present District Medical Officer of Ramnad (Rao Bahadur Dr. K. Raghavendra Rao) has been in the Public Health Department;

(*b*) whether during that period he has been in touch with the curative side of medicine; and

(*c*) whether he is now competent to treat medical and surgical cases ?

A.—(*a*) For over 17 years including service in the Corporation of Madras.

(*b*) No.

(*c*) He is considered competent to do the work to which he has been appointed.

Mr. ABDUL HAMEED KHAN :—" May I know whether the hon. Minister will be pleased to state the reason as to why he has not been engaged in medical and surgical cases? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" Evidently the Surgeon-General has not found him fit for such a work.".

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR :—" May I know whether he was given a refresher course before his being posted as District Medical Officer? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" Not that I am aware of."

Mr. ABDUL HAMEED KHAN :—" May I know the reason why that a medical man with so many years of service should not be asked to treat medical and surgical cases? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" Because he was not considered fit for such an appointment."

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Competence of the Civil Surgeon, Tuticorin, to treat medical and surgical cases.

* 218 *Q.*—Mr. V. T. Arasu: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that the Civil Surgeon in charge of the Headquarters Hospital at Tuticorin (Dr. K. Kannan Nambiyar) has all these years that he has been in service been only a Professor of Chemistry; and

(*b*) if so, whether he is competent to treat surgical and medical cases in that hospital?

A.—(*a*) Dr. Kannan Nambiyar was entertained as a temporary Civil Assistant Surgeon in May 1923, and he was appointed as Lecturer in Chemistry at the end of September 1923. He has been teaching Chemistry ever since. He was doing general professional work during the period July 1915 to September 1923.

(*b*) Yes.

Duty of the Medical Officers in the Government Gosha Hospital, Madras, to attend to out-patient cases.

* 219 *Q.*—Mr. V. T. Arasu: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the Medical Officers in the Government Gosha Hospital, Madras, are being compelled to attend to out-patient cases every morning besides the in-patients in their respective wards; and

(*b*) whether they are able to do both the duties without prejudice to either?

A.—(*a*) Yes.

(*b*) Yes.

Private practice by the Director of the Government Tuberculosis Institute.

* 220 *Q.*—Mr. V. T. Arasu: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the Government are aware of the fact that Rao Bahadur M. Kesava Pai, Director of the Government Tuberculosis Institute and Superintendent of the Tuberculosis Hospital, is running a regular public dispensary, under the name of Research Laboratory, in Harris Road, Egmore; and

(*b*) whether he has taken the permission of the Government or of the Surgeon-General for running the same?

A.—(*a*) The Research Laboratory is run by M.R.Ry. K. Venkat Rao Avargal, M.B.B.S. M.R.Ry. Rao Bahadur M. Kesava Pai Avargal, M.D.C.M., has nothing to do with it.

(*b*) Does not arise.

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General

Succession to the Jeypore Zamindari.

* 221 *Q.*—Mr. M. A. MANIKKAVELU NAYAKAR: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the Government have finally settled the right of succession to the Jeypore Zamindari after the death of Maharaja Sri Ramachandra Deo;

(*b*) if so, whether the Advocate-General was consulted on the question of the right of succession;

(*c*) whether any persons were deported from the Jeypore Zamindari after the death of Maharaja Sri Ramachandra Deo;

(*d*) if so, for what reasons and on whose report;

(*e*) whether some of the deported persons are interned at Vellore and Cuddalore;

(*f*) if so, who the persons interned at Vellore and Cuddalore respectively are;

(*g*) whether any amount is paid for their maintenance; if so, how much is paid to each;

(*h*) whether they submitted memorials to the Government complaining about their bad state of health on account of unsuitable food and other inconveniences;

(*i*) whether steps were taken to inquire into their grievances set out in their memorial; and

(*j*) whether the necessity, if at all, for their internment has not ceased?

A.—(*a*) On the death of the late Maharaja, the Government took charge of the estate under rules 61 and 62 of the Agency Rules (framed under section 6 of the Scheduled Districts Act, 1874), read with section 10 (1) (*a*) of the Madras Court of Wards Act, 1902, and later handed it over to the person who, in their opinion, was best entitled to succeed.

(*b*) Yes.

(*c*) Yes.

(*d*) The residence of these persons in the Jeypore Agency was considered dangerous to the public peace; they were deported on the report of the Agent to the Governor, Vizagapatam.

(*e*) & (*f*) Lakshmi Chandra Rai is interned at Vellore and Gopinath Deo and Chandrasekhara Nissanko are interned at Cuddalore.

(*g*) An allowance of Rs. 20 is paid to each of them.

(*h*) & (*i*) They have submitted memorials for release—some on the grounds mentioned—but the Government after enquiry have seen no reason to comply with the request at present.

(*j*) Conditions in the Agency do not as yet permit of their return without danger to the public peace.

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Mr. ABDUL HAMEED KHAN:—"It is stated here that these people were deported to Cuddalore and Vellore on the report of the Agent to the Governor at Vizagapatam, the reason being that their presence was considered as dangerous to public peace. May I know the nature of the disturbance of public peace that was apprehended on account of which they were deported?"

The hon. Sir ARCHIBALD CAMPBELL:—"I cannot say exactly what would have happened. There was a danger that if things were allowed to go on, we thought it would lead to a disturbance of the public peace."

Mr. ABDUL HAMEED KHAN:—"Is it political, or on account of the fact that these people were related to the late Maharaja that they were deported?"

The hon. Sir ARCHIBALD CAMPBELL:—"On account of agitation which was likely to lead to a disturbance of peace."

Mr. ABDUL HAMEED KHAN:—"What is the recent agitation that they were making?"

The hon. Sir ARCHIBALD CAMPBELL:—"If the hon. Member wants details I must ask for notice of the question."

Mr. YAKUB HASAN:—"May I know whether the provision of Rs. 20 was one of the items in the memorial submitted to the Government and whether Government considers that amount as adequate for those who were related to the late Maharaja and whether the Government will be pleased to consider the question of enhancing their allowance?"

The hon. Sir ARCHIBALD CAMPBELL:—"The Government consider it adequate."

Irrigation

Diversion of the Tungabhadra waters through the Kurnool-Cuddapah Canal to the river Pennar.

* 222 *Q.*—Khan Bahadur YAHYA ALI SAHIB Bahadur: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the possibility of taking the Tungabhadra water through the Kurnool-Cuddapah Canal to the river Pennar for the sake of helping early cultivation in the Nellore and Sangham deltas, has been investigated; and

(*b*) if so, with what result?

A.—(*a*) & (*b*) The scheme is under examination.

Draining of the Nadagudi surplus water into the Velappar.

* 223-A *Q.*—Mr. G. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether it is a fact that the Public Works Department authorities have informed the District Collector, Tanjore, and the

Government that Nadagudi surplus water could not drain into Velappar, as supply in that river could not be controlled to facilitate the drainage of the Nadagudi lands as was reported to the Government in the year 1907; and

(*b*) considering the fact that a sum of Rs. 3,000 has been collected *from the ryots in contravention* of Proceedings of the Board of Revenue Mis. No. 2350, dated 14th May 1900, whether the Government have any scheme before them to execute necessary improvements to the drainage of the village entirely at the cost of the Government?

A.—(*a*) No.

(*b*) Possible remedies for the defective drainage are under investigation.

Drainage of Nadakudi wet lands.

* 223-B *Q.*—Mr. A. Pl. N. V. Nadimuthu Pillai: Will the hon. the Member for Revenue be pleased to state with reference to the answers *given to question No. 1023 on 14th March 1932*—

(*a*) whether it is a fact that the Public Works Department has reported to the Government and the Collector of Tanjore (coutradicting the report of 1907) that supply in Valappar could not be controlled so as to facilitate the drainage of Nadakudi wet lands;

(*b*) if so, whether the Government realize that the defects of drainage recognized and promised to be set right as per Mis. No. 2350, dated 14th May 1900, of the Board of Revenue remain in the same condition and are yet to be remedied;

(*c*) whether the Government are advised that closure of Manalar alone would be adequate for the drainage of Nadakudi wet lands;

(*d*) whether it is a fact that the Public Works Department Sub-divisional Officer of Nannilam kept Manalar closed during the last rainy season, in spite of which the village of Nadakudi lay submerged;

(*e*) whether it is a fact that the Public Works Department Officers are daily recording the observations of M.F.L. of Valappar where the present drainage falls;

(*f*) if so, the result of the observations; and

(*g*) in the light of the fact that the report of 1907 (on which the Government withdrew the concession in the rate of assessment granted for the lands of the village pending the remedying of the defects of the drainage) has by this time been contradicted both officially and unofficially, whether the Government will make necessary improvements to the drainage entirely at their own cost?

A.—(*a*) & (*b*) The answer to (*a*) is in the negative.

(*c*) It has been suggested as one of the possible remedies.

(*d*), (*e*) & (*f*) The Government have not the information, but have called for it.

(*g*) Possible remedies for the defective drainage are under investigation.

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Land Revenue Administration

Disposal of the suit filed by some pattadars of Marandai, Tinnevelly district, for permitting water-rate cultivation.

* 224 *Q.*—Mr. M. D. T. Ranganatha Mudaliyar: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the Government was sued by a few pattadars in Marandai, Tinnevelly district, for permitting water-rate cultivation in the above village;

(*b*) how was the suit decided; and

(*c*) whether the Government will give preference to water-rate lands when dry lands in the village are next converted into wet?

A.—(*a*) Yes.

(*b*) Against the Government, who have filed an appeal which is now pending.

(*c*) No such undertaking can be given.

Collection of kist in Tanjore and Trichinopoly districts.

* 225-A *Q.*—Mr. V. T. Arasu: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether it is a fact that in the Tanjore district kist is being collected from the ryots in four equal instalments in January, February, March and April; and

(*b*) if so, why the same privilege has not been extended to the ryots in Trichinopoly district?

A.—(*a*) Yes, till fasli 1341; but with effect from the current fasli, viz., 1932–33, the kistbandi of the district has been altered into one of three instalments of six annas in February, six annas in March, and four annas in April.

(*b*) With effect from the current fasli the kistbandi of all the taluks of the district with the exception of Karur has been altered into one of three instalments of six annas in January, six annas in February, and four annas in March. The old kistbandi of Karur taluk, viz., one of four equal instalments commencing from January is to continue.

The kistbandi of each district has been fixed on a consideration of the conditions in that district. The attention of the hon. Member is invited to paragraphs 6 and 7 of G.O. No. 1162, Revenue, dated the 6th June 1932, which has been made available to the Press.

Collection of kists in Trichinopoly.

* 225-B *Q.*—Mr. K. Singam Ayyangar: With reference to the representations sent to the Government by the Landholders Association, Trichinopoly, explaining the difficulties in the present method of collection of kist, will the hon. the Member for Revenue be pleased to state

whether there is any proposal before the Government for fixing tl period for the collection of kists in the Trichinopoly district in fou instalments commencing from January to April instead of Januar February and March?

A.—The answer is in the negative. The representations were co sidered before orders were issued in G.O. No. 1162, Revenu dated 6th June 1932, fixing a kistbandi of 6 annas in Januar 6 annas in February and 4 annas in March for all the talu of the Trichinopoly district with the exception of Karur.

Hereditary right of succession among village officers and village menia in Salem district.

* 226 Q.—Mr. K. A. Nachiyappa Gounder: Will the hon. th Member for Revenue be pleased to state—

(a) on what definite principles the village officers and villag menials in Salem district are not allowed the hereditary right of the posts;

(b) in which districts such officers and menials hold this righ and the special reasons for the same;

(c) whether any representations have been received from the vil lage officers of Salem district in this behalf;

(d) if so, from which place such representations were received an in what way they were disposed of; and

(e) what objections and special difficulties the Government hol to order for the modification of Board's Standing Order No. 156, t afford equal opportunities and privilege to the village officers, and vil lage menials in Salem and other similar districts, as enjoyed by thos in other districts where such posts are governed by statute, and ar hereditary?

A.—(a) Custom.

(b) Village offices other than those specified in Board's Standin Order No. 156 are hereditary. They were hereditary i character before Madras Act III of 1895 was passed.

(c) No.

(d) ——.

(e) The hereditary or non-hereditary character of village office in any district or part of a district depends on the custon which has prevailed in that area for generations. Th Government see no reason to depart from that principle

Damage to Malabar on account of the cyclone.

* 227 Q.—B. Pocker Sahib Bahadur: Will the hon. the Membe for Revenue be pleased to state—

(a) whether there was a cyclone on or about 25th May on th West Coast;

(b) which are the areas in Malabar which were affected by th same;

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(c) (i) the number of human lives lost,

(ii) the approximate number of cattle that died on account of the cyclone,

(iii) the number of coconut trees, arecanut trees and other trees that fell down on account of the cyclone,

(iv) the number of houses that collapsed on account of the cyclone, and

(v) *the approximate total amount of damage sustained;*

(d) whether the Government or the Collector of Malabar received petitions from the public seeking for relief in respect of the damage caused by the cyclone and for the remission of assessment;

(e) whether the Government or the Collector of Malabar has taken any steps to relieve the suffering caused by the cyclone and if so, what steps have been taken so far;

(f) whether the Government have considered the question of the necessity to remit the assessment on account of the damage caused by the cyclone; and

(g) whether the Government have received any report from the Collector of Malabar as to the effect of the cyclone and if so, whether the Government will be pleased to place it on the table of the House?

A.—*(a) to (c), (e) & (g)* The hon. Member is referred to the answer to question No. 25.

(d) The Government have received no petitions. The Government do not know whether the Collector has received any requests for the remission of land revenue.

(f) The Government have received no representations in the matter.

Deputy Collectors trying suits under the Madras Estates Land Act.

* 228 *Q.*—Mr. G. R. PREMAYYA: Will the hon. the Member for Revenue be pleased to state—

(a) the number of Deputy Collectors (including Revenue Divisional Officers) in the districts of Ganjam, Vizagapatam and Godavari disposing of suits, petitions and proceedings under the Estates Land Act;

(b) the general educational qualifications of such Deputy Collectors and Revenue Divisional Officers in each case;

(c) how many of them are—

(1) graduates in law,
(2) mere graduates in arts,
(3) under-graduates,
(4) Matriculates or school-finals; and

(d) *whether they have considered the necessity of posting law* graduates to subdivisions with heavy Estates Land Act work?

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A.—(*a*) All Deputy Collectors in charge of divisions in which estate lie dispose of suits, etc., under the Madras Estates Lan Act. There were three Deputy Collectors in charge (divisions in each of the four districts of Ganjam, Vizaga patam, East Godavari and West Godavari on 15t August 1932.

(*b*) & (*c*) 9 B.A.'s,
1 B.A., B.L.,
1 B.A., LL.B., and Bar.-at-Law, and
1 Matriculate.

(*d*) No.

Alleged cruelty of village officials of the Udayarpalayam zamindari.

* 229 *Q.*—Mr. V. T. Arasu: Will the hon. the Member for Revenu be pleased to state—

(*a*) whether the Government have received any representation from the ryots of the Udayarpalayam zamindari making serious allega tions of extortion and cruelty by the village officials in that zamindari;

(*b*) whether the Government or the Board of Revenue have cause any enquiries to be made into those allegations; and

(*c*) if so, what action the Government have taken or propose t take in the matter?

A.—(*a*), (*b*) & (*c*) The Government have received no such repre sentations.

Provincial Gazetteers

District Gazettes.

* 230 *Q.*—Mr. V. T. Arasu: Will the hon. the Member for Revenu be pleased to state—

(*a*) whether it is a fact that the price of the District Gazettes wa raised to the present level somewhere about the year 1915 on accoun of the increase in the cost of stationery;

(*b*) whether the cost of stationery has not since come down; and

(*c*) if it has, why the Government could not find their way t reduce the price of the Gazette to the pre-war level?

A.—(*a*) The rates of subscription to District Gazettes were fixed in 1918 on the basis of a fair average price and not witl reference to the high price of paper which obtained a the time.

(*b*) Yes, it has decreased.

(*c*) The cost of stationery represents only about 5 per cent of the cost of production. The cost of labour which consti tutes the greater part of the cost of production has increased. The subscriptions are largely absorbed by postal charges (which also have risen) and do not cover

the cost of production and distribution. The Retrenchment Committee noticed this and suggested that the question of raising the present rates should be examined. This question was examined. It was suggested to the Government that postal charges should be levied in addition to the subscription. The Government, however, preferred to raise the rates of subscription by 50 per cent and to supply the Gazettes post-free as at present, and issued orders accordingly on 20th September 1932.

Public Service

Madras Services Commission examinations.

* 231 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether every candidate who applies for the Madras Public Services Commission examination has to send along with the application a medical certificate of physical fitness and if so, the number of applications received during the year ending 31st March 1932 and the number of applicants actually entertained in the service during the year 1930–31; and

(*b*) the average number of vacancies that generally arise in a year?

A.—(*a*) Examinations are held only for recruitment to clerical posts and to Assistant Surgeon's posts. Every candidate for admission to these examinations has to send a medical certificate. In all 3,262 applications were received during the year ending the 31st March 1932. The first examinations were held for clerical posts in March 1931 and for Assistant Surgeon's posts after the close of 1930–31 and the results of the examination for clerical posts were published in July 1931.

(*b*) The number of anticipated vacancies of clerkships, etc., (Madras Ministerial Service) was 1,750 in 1931 and 763 in 1932. Owing to retrenchment no vacancies necessitating any examination are expected to arise in the Assistant Surgeon's posts.

Mr. A. RANGANATHA MUDALIYAR:—"May I know from the hon. Member how many out of the 3,262 applicants that applied for appointment were appointed?"

The hon. Sir ARCHIBALD CAMPBELL:—"I must ask for notice."

Mr. A. RANGANATHA MUDALIYAR:—"I think the number of persons appointed would be very small and to ask all applicants to produce a medical certificate of fitness whether or not they are going to be appointed is really a hardship to them. May not their names be printed in the eligibility list subject to production of certificate when appointed?"

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The hon. Sir ARCHIBALD CAMPBELL :—" The question has been con sidered. If we allow candidates to produce certificate of fitne after the examination is over, there will be considerable dela before the lists can be published as it will be necessar *to wait till all the successful candidates* have been informed of th results of the examination and have obtained and submitted med cal certificates. Consequently we ask every one to produc certificate of fitness beforehand so that the results of the examina tion may be published as early as possible."

Mr. A. RANGANATHA MUDALIYAR :—" Is it not a case that a cons derably larger number of people find their names on the list of successfu *candidates in the examination than there are number of vacancies?*

The hon. Sir ARCHIBALD CAMPBELL :—" Generally some allowanc is made for contingencies. It is however a matter for the Madra Public Services Commission to decide how long shall be the li of successful candidates."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR :—" May I know before the names of the candidates in the present list are exhauste for appointment, whether the Government will hold a furthe examination? "

The hon. Sir ARCHIBALD CAMPBELL :—" I am not aware."

Mr. A. RANGANATHA MUDALIYAR :—" May I know if there is an objection in asking the candidates to produce a medical certificate o fitness after they have been examined and found successful and whethe asking the candidates to produce a certificate of fitness before th examination causes them unnecessary expenditure? "

The hon. Sir ARCHIBALD CAMPBELL :—" These things have been exa mined. But as I have pointed out the Government find tha there are practical difficulties if the candidates are allowed t produce certificates of fitness after the examination."

Oriya as Court language in the Vizagapatam Agency.

*232 *Q.*—Sriman M. G. PATNAIK Mahasayo: Will the hon. th Member for Revenue be pleased to state—

(1) if the reports referred to in answer to questions 1289 (*e*) an 1290 (*b*) have been received; and

(2) if so, whether the Government will be pleased to place ther on the table?

A.—(1) Yes.

(2) The reports[a] are placed on the table.

Deputation of Oriyas to a Member of the Board of Revenue in re: thei grievances in respect of employment in the Public Service.

*233 *Q.*—Sriman M. G. PATNAIK Mahasayo: Will the hon. th Member for Revenue be pleased to call for a report as to whether Oriya

[a] Printed as Appendix II on pages 254–256 infra.

waited on deputation upon a Member of the Board of Revenue at Parlakimedi and represented to him the grievances of Oriyas in regard to employment in the Public Services and as to the action taken upon such representation?

A.—A deputation headed by the Zamindar of Chikati waited upon Mr. C. A. Souter, I.C.S., Member of the Board of Revenue, on 28th November 1931, when he camped at Parlakimedi. The deputation presented a memorandum detailing certain alleged grievances and were advised to memorialize Government in the matter through the Board, which they did. The memorial is under the consideration of Government.

Employment of Oriyas as clerks in the Ganjam district.

* 234 *Q.*—Sriman M. G. PATNAIK Mahasayo: Will the hon. the Member for Revenue be pleased—

(1) to furnish information as to—

(i) the number of taluks in the Chatrapur, Ghumsur and Balliguda divisions of the Ganjam district including the Agency;

(ii) the number of clerks in each of the offices of the said taluks;

(iii) the number of taluk offices; and

(iv) the number of clerks in such offices who are Oriyas, who are Telugus, who are neither Oriyas nor Telugus;

(2) to state—

(*a*) if the Government have taken steps to satisfy themselves as to whether the Government orders relating to the employment of Oriyas, especially, G.O. No. 658, Public, dated 15th August 1922, are given effect to;

(*b*) the number of Oriya clerks entertained in the Revenue department in the Ganjam district including the Agency since January 1931 (i) permanently and (ii) temporarily;

(*c*) (i) the number of Oriyas who appeared before the Public Services Commission for recruitment to Public services in the Presidency from the date of the constitution of the Public Services Commission in the Presidency;

(ii) the number of Oriyas declared eligible for such services;

(iii) the centres at which Oriyas appeared;

(iv) the various centres where the Public Services Commission holds its examinations; and

(v) why no centre has been constituted in the Ganjam district?

A.—(1) (i) & (iii) The number of taluks and taluk offices is three each in the Ghumsur and Balliguda divisions and two in the Chatrapur division.

(ii) & (iv) The information is given below:—

Names of the division.	Name of the office.	Total number of clerks.	Oriyas.	Telugus.	Neither Oriyas nor Telugus.
(1)	(2)	(3)	(4)	(5)	(6)
Chatrapur ..	Taluk office, Chatrapur ..	18	10	8	..
	Do. Kudala ..	7	4	3	..
Ghumsur ..	Do. Ghumsur ..	19	10	7	2
	Do. Aska ..	18	9	9	..
	Do. Surada ..	4	2	2	..
Balliguda ..	Do. G. Udayagiri.	7	3	1	3
	Do. Ramagiri ..	3	3	..	..
	Do. Balliguda ..	3	3	..	..

(2) (a) Yes.

(b) Nil.

(c) (i) 115.

(ii) Twelve.

(iii) Madras, Masulipatam, Rajahmundry and Vizagapatam.

(iv) If, as is presumed, the question refers to the competitive examination for clerkships, it was held at the following centres:—

Madras.	Salem.
Vizagapatam.	Kumbakonam.
Rajahmundry.	Trichinopoly.
Masulipatam.	Madura.
Guntur.	Tinnevelly.
Anantapur.	Coimbatore.
Cuddapah.	Palghat.
Cuddalore.	Calicut.
Vellore.	Mangalore.

(v) Centres were constituted not in every revenue district, but wherever necessary with reference to the number of candidates that applied from each district.

Memorials from the Madras Presidency Excise Constables' Union for the recognition of their union.

* 235 Q.—Mr. V. T. Arasu: **Will the hon. the Member for Revenue** be pleased to state—

(a) whether the Government have received any memorial from the Madras Presidency Excise Constables' Union suggesting that the Government may be pleased to recognize their union; and

(b) if so, what orders the Government have passed on the same, and the reasons on the basis of which the Government have come to the conclusion indicated in their order?

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A.—(*a*) Yes.

(*b*) The question is under correspondence with the union through the Commissioner of Excise.

Electricity

Memorandum submitted by the Madras Electric Current Consumers' Association, North Gopalapuram, Madras.

* 236 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state the requests contained in the memorandum submitted to the Government by the Madras Electric Current Consumers' Association, North Gopalapuram, Madras, and the action, if any, taken by the Government thereon?

A.—The memorandum submitted by the Association contains the following requests:—

(1) The charge per unit of energy supplied, the hire for meter, charges for reconnexion and replacing consumers' fuses and the minimum monthly charge are high and should be reduced.

(2) The Supply Corporation should be asked to pay interest on the deposits taken from the consumers.

(3) An Advisory Council of a representative character should be formed to facilitate exchange of views between the consumers and the Supply agency.

(4) The rates that may be settled now should be subject to further revision after three years.

The representation is under the consideration of Government.

Mr. F. BIRLEY:—"In considering the question, will the Government be pleased to take into account that the Supply Corporation has to pay increased income-tax, increased customs duty on machinery and stores as well as 15 per cent surcharge of the rail-freight on their coal?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"All these things will be considered."

Mr. BASHEER AHMED SAYEED:—"Will the Government be pleased to take into consideration the fact that the cost of materials has considerably decreased while settling this question?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"That will also be taken notice of. All things that are of help to the Government in coming to a conclusion will be taken into consideration."

Mr. ABDUL HAMEED KHAN:—"May I know whether the Government have taken into consideration the different points raised in the memorandum and decided upon them?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Nothing has been done."

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Forests

Closure of the Chenat Nair Exploitation Scheme.

* 237 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state—

(*a*) when the Chenat Nair exploitation was ordered to be closed;

(*b*) the expenditure incurred up to date on the care and the maintenance of the machinery;

(*c*) whether the assets have been disposed of and the accounts closed finally and if so, when, and if not, why not;

(*d*) the price paid by the Government at first for the Holt Tractor sold to Tea Estates (India), Limited, Coimbatore, and the price for which it was sold to them and the cost of the repairs executed prior to its sale; and

(*e*) the number of other tractors purchased by the Government together with the respective prices, specifications and their present condition and the steps taken for their disposal?

A.—(*a*) The Chenat Nair Exploitation concern was ordered to be closed down with effect from 5th November 1929.

(*b*) The expenditure incurred from November 1929, on the care and maintenance of the machinery, is Rs. 5,966-11-0 comprising the following items:—

	RS.	A.	P.
Establishment employed	3,909	1	4
Stores and oils used	578	3	8
Insurance against fire	1,479	6	0

(*c*) Yes. The assets have been sold for Rs. 27,000 and the accounts have been closed with effect from 1st April 1932.

(*d*) The Holt Tractor sold to Tea Estates, India, Ltd., was originally purchased for Rs. 31,865-7-0. It was sold to the firm for Rs. 2,500 in June 1930. The book value of the Tractor was nothing. The cost of the repairs including the cost of spare parts, which were in stock, effected previous to its sale, was Rs. 1,669-5-0.

(*e*) Besides the Holt Tractor sold to Tea Estates, India, Ltd., seven other tractors were purchased. A statement[a] showing the specifications, prices and the present condition of the tractors is appended.

Messrs. Moylan & Co., Coimbatore, were first addressed as to whether they required any of the tractors in connexion with the Siruvani Dam work. As the firm was not in need of the tractors, the sale was advertised in three issues of the *Hindu* and the *Madras Mail* at intervals of a week during November and December last. No offers were received, although there were a few enquiries.

[a] Printed as Appendix III on page 256 infra.

Subsequently the following heads of other Government departments were addressed as to whether they required any of these tractors:—

The Director of Industries.

The Chief Engineer, Roads and Buildings, Public Works Department.

The Chief Engineer for Irrigation.

The Chief Engineer, Hydro-Electric Development.

The Chief Engineer in charge of Cauvery-Mettur Project and the Inspector-General of Prisons.

No offers have so far been received from these departments, but the Forest Engineer to the Government of Bombay has examined some of the tractors and it is hoped that an offer for one of them may be received.

The Government have accepted an offer of Rs. 3,250 for the Beypore mill machinery, which covers the sale of the tractors used in connexion with that mill.

Mr. BASHEER AHMED SAYEED:—"May I know at what stage the disposal of the machinery is?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"So far as the disposal of the machinery is concerned, every stage has been concluded."

Closing of the Kodikana reserve forest for grazing.

*238 *Q.*—Mr. A. B. SHETTY: Will the hon. the Law Member be pleased to state—

(*a*) whether the Kodikana reserve forest in South Mangalore division has been closed to grazing of the village cattle from the beginning of June 1932, and, if so, for what reasons;

(*b*) whether any other reserve forest areas in this division have been similarly closed to grazing this year; and

(*c*) whether the residents of Thodikana village have submitted any petition to the Collector of South Kanara in regard to the closing of the forest to grazing, and, if so, whether a copy of that petition will be placed on the table of the House?

A.—(*a*) Yes; the reserve was closed to grazing on account of three fires which occurred in it.

(*b*) The following areas also were closed to grazing for the same reason:—

(1) Kalpatimale Reserved Forest ...	Whole
(2) Veera Kamba bit II Reserved Forest.	Part
(3) Bantamale Reserved Forest ...	Part
(4) Medinadka Reserved Forest ...	Part
(5) Bantaji Reserved Forest ...	Whole
(6) Sampajee Reserved Forest ...	Part

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(c) The attention of the hon. Member is invited to the answer given to clause (b) of question No. 95 answered on the 4th August 1932.

Grazing and compounding fees collected in the Thodikana reserve.

* 239 Q.—Mr. A. B. Shetty: Will the hon. the Law Member be pleased to state—

(a) the number of animals licensed to graze last year in the Thodikana reserve forest in South Mangalore division;

(b) the grazing fees collected therefrom last year;

(c) the number of cattle impounded by forest subordinates in Thodikana in May and in June this year;

(d) the rate of impounding fee to be paid for each buffalo or cow; and

(e) the compounding fees collected in June 1932 from the villagers whose cattle strayed into the forest area closed to grazing?

A.—(a) 235 { 221 cows or bulls. 14 buffaloes.

(b) Rs. 91-10-0.

(c) 19 { 12 cows or bulls. 7 buffaloes.

(d) Rs. 2 per buffalo and Re. 1 per cow or bull.

(e) Nil.

Withdrawal of grazing rights in certain forests in Puttur and Kasaragod taluks.

* 240 Q.—Mr. A. B. Shetty: Will the hon. the Law Member be pleased to state—

(a) whether the Medinadka block of reserved forest in Puttur taluk and the Bantaje block in Kasaragod range have been closed to grazing for a period of one year from 30th June 1932;

(b) whether the alleged reason for the withdrawal of the grazing rights in these blocks is an excess of forest fires in the course of the last year; and

(c) whether any enquiry has been made into the number and the causes of such fires and if so, the particulars of such enquiry and its results?

A.—(a) A part of Medinadka West Reserved Forest and the whole of Bantaje Reserved Forest have been closed to grazing.

(b) The closures have been enforced on account of fires.

(c) There were 13 cases of fire in these reserves during the years 1931 and 1932. In some cases enquiries into the origin of fire were made by the Range Officer and in others by the forest guards concerned. There was definite proof of incendiarism in one case; while in one case the report definitely says that the fire was not wilfully caused. The origin of the rest can only be matter of surmise.

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Mr. U. C. Subrahmanya Bhatt:—" May I know what connexion there is between the fires and the allowing of the ryots to graze their cattle in the forests? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" Because there was some suspicion in the mind of the department that the graziers set fire to the forest and after enquiry it was decided that these graziers should not be allowed to graze their cattle."

Mr. U. C. Subrahmanya Bhatt:—" Is it not a fact that last year there was a lot of loss to the Government on account of such fire on the Western Ghauts? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" I am not aware of any such thing."

Mr. U. C. Subrahmanya Bhatt:—" I think the reserve forests extend to the very dwelling houses of these villagers and it would be very inconvenient for them if they are not allowed to graze their cattle in those forests? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" I do not think so."

Mr. U. C. Subrahmanya Bhatt:—" Will the hon. Member be pleased to call for a report? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" There is no reason for calling for a report; all these answers are based upon reports received from the officers connected with the Forest administration, and as a matter of fact a detailed enquiry has been made into the whole matter and as a result of that enquiry these answers have been framed."

Mr. U. C. Subrahmanya Bhatt:—" Is the report based on suspicion or upon facts? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"On facts."

Petition to the Collector of South Kanara regarding withdrawal of grazing rights.

* 241 *Q.*—Mr. A. B. Shetty: Will the hon. the Law Member be pleased to state—

(*a*) whether the Government are aware of the petitions submitted to the Collector of South Kanara by the residents of villages adjoining the Bantaje and Medinadka blocks of reserved forests regarding the hardship caused to them by the withdrawal of grazing rights in the said blocks; and

(*b*) how many permits for grazing cattle in the said blocks were issued to ryots in each of the last three years?

A.—(*a*) Yes.

(*b*) The information is furnished in the following statement:-

Statement.

Name of the reserve.	Year.		Number of animals licensed to graze. Cows or bulls.	Buffaloes
Bantaje reserved forest ..	1929–30	..	332	33
	1930–31	..	353	21
	1931–32	..	318	40
Medinadka east and west reserved forest.	1929–30	..	513	52
	1930–31	..	497	22
	1931–32	..	500	55

Panchayat Courts

Election of the members of the Depressed Classes Community to the Panchayat Court at Chidambaram.

* 242 *Q.*—Mr. M. DEVADASAN: Will the hon. the Law Member b pleased to state how many members of the depressed classes wer elected in the Panchayat Court of Chidambaram in South Arc *district?*

A.—There are three elected members of the depressed classes in th panchayat court.

Mr. M. DEVADASAN:—" May I know whether the Panchayat Cour at Chidambaram is now working? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Yes."

Mr. M. DEVADASAN:—" May I know how long it has been worl ing? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Ever sinc the date of the election it has been working. I cannot say at th present moment when the date of the election was."

Mr. M. DEVADASAN:—" May I know whether the Tahsildar c Chidambaram directed the court not to work? "

Ports

Representation of labour on the Port Trust.

* 243 *Q.*—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. th Law Member be pleased to state whether the Government are havin under consideration the desirability of giving representation on th Port Trust Board to labour interests and to amend the Act so as t bring the Madras Port Trust into line with the Bombay Port Trust if so, in what stage the proposals are ?

A.—The matter is under the consideration of the Government.

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Mr. BASHEER AHMED SAYEED:—" May I take it that the Government are going to give representation to labour interests on the Port Trust Board? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" It is too early to say that."

Prisons and Prisoners

Unparliamentary remarks of the Inspector-General of Prisons against a non-official visitor to the Bellary Jail. 1

* 244 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Law Member be pleased to state—

(*a*) whether the Local Government was appealed to by Dr. M. Sitarama Sarma, medical practitioner and non-official visitor to the Bellary Jail, against certain uncalled for and provocative and unparliamentary remarks of the Inspector-General of Prisons against him; if so, whether the hon. the Law Member will be pleased to place a copy of the said appeal and enclosures sent with it on the table of the House; and

(*b*) whether it is a fact that the Government refused to take any action on the said representations made by the said non-official visitor, dated 24th January 1932?

A.—(*a*) A representation was made to Government by Mr. M. Sitarama Sarma protesting against certain remarks of the Inspector-General of Prisons. The answer to the second part is in the negative.

(*b*) Yes.

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know if the Government will furnish any reason for their non-interference? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" The Government thought that it was not necessary to interfere."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether the non-official visitor still continues to be a visitor of the jail? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I believe he does not."

Mr. YAKUB HASAN:—" May I know what those remarks were? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" It is not in the public interests to publish those remarks."

Mr. YAKUB HASAN:—" Have the Government satisfied themselves that these remarks were not provocative? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" The Government have satisfied themselves."

Mr. U. C. SUBRAHMANYA BHATT :—" Do not the Government think that if honorary visitors are treated like this, it would prevent them from discharging their duties impartially? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Certainly it would not prevent right-minded persons from discharging their duties properly."

Mr. BASHEER AHMED SAYEED :—" May I know what was the reply given to Dr. Sitarama Sarma by the Government? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" No reply was given as far as I can remember now."

Mr. A. RANGANATHA MUDALIYAR :—" If the Government are not willing to place the whole complaint on the table will they at least give a gist of the complaint? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" No."

Mr. BASHEER AHMED SAYEED :—" May I know why no reply was given to the representation made by Mr. Sitarama Sarma? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" The Government did not consider that it was necessary to give a reply to that kind of representation."

Alleged issue of an order by the Government for rigorous treatment of Civil Disobedience prisoners.

* 245-A *Q.*—Mr. ABDUL HAMEED KHAN : Will the hon. the Law Member be pleased to state—

(*a*) whether at the Conference of Collectors held on 18th May 1932, the question of discipline among civil disobedience prisoners was discussed;

(*b*) whether any proposal was made at the meeting to take special measures against this class of prisoners;

(*c*) whether any decision was arrived at in regard to this question and what the decision was;

(*d*) whether any order has been issued by the Government to the Inspector-General of Prisons on the basis of this decision ordering that no discrimination should be made in favour of civil disobedience prisoners and whether the Government will be pleased to place the text of the order on the table;

(*e*) whether any order has been issued by the Inspector-General of Prisons to Superintendents of Jails stating that A and B class prisoners should be " kept in their place and dealt with grimly; " and

(*f*) whether the Government will be pleased to place on the table the orders issued by the Government and the Inspector-General of Prisons regarding the treatment of civil disobedience prisoners?

A.—(*a*) Yes.

(*b*), (*c*) & (*d*) No special measures against prisoners convicted of offences connected with the civil disobedience movement were contemplated. Orders have been issued by the

Government that the rules in the Jail Manual for the enforcement of discipline which apply to all prisoners should be observed without discrimination. The Government are not prepared to place a copy of the order on the table.

(*e*) The Government have no information.

(*f*) No.

Mr. ABDUL HAMEED KHAN :—" May I know what was the decision arrived at in the Collectors' Conference with regard to the discipline of civil disobedience prisoners? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" There was *no specific point on which a decision* was necessary, *but the* Conference came to the conclusion that no discrimination must be made between civil disobedience prisoners and ordinary prisoners."

Mr. ABDUL HAMEED KHAN :—" Is it not a fact that the Inspector-General of Prisons has ordered that these people should be ' kept in their place and dealt with grimly '? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" The answer is found in reply to clause (*e*) of the question."

Mr. ABDUL HAMEED KHAN :—" May I know what exactly the Inspector-General of Prisons did with regard to these prisoners as a result of the Collectors' Conference? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" That is exactly what is stated in clause (*e*)."

Mr. BASHEER AHMED SAYEED :—" May I know what was the occasion for the Government to issue orders that the existing rules in the Jail Manual should be strictly enforced? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Because at the Collectors' Conference representations were made by some of the Collectors that a kind of discrimination was made in favour of civil disobedience prisoners."

Alleged circular instructions regarding the treatment of Civil Disobedience prisoners as ordinary felons.

* 245-B *Q*.—Mr. K. A. NACHIYAPPA GOUNDER : Will the hon. the Law Member be pleased to state—

(*a*) whether it is a fact that a circular has been issued to the Jail authorities to make no differentiation in treatment between civil disobedience prisoners and ordinary felons;

(*b*) whether there is any distinction now in regard to food, clothing or bedding or otherwise between civil disobedience prisoners of C class and ordinary felons;

(*c*) if not, what the new circular regarding no distinctions means; and

(*d*) whether it is the intention of Government that the Ja authorities should treat them specially badly such as giving them han cuffs, fetters, etc., or locking them up during day time?

A.—(*a*) & (*d*) The hon. Member is referred to the answer clauses (*b*), (*c*) & (*d*) of question No. 245-A.

(*b*) No.

(*c*) The orders issued by the Government related only to tl enforcement of discipline in jails.

Political prisoners of the Ganjam district confined in the Bellary Jail.

* 246 *Q*.—Rai Sahib C. KOLANDA REDDI: Will the hon. the La Member be pleased to state—

(*a*) the number of political prisoners that are now in the Bellaı Central Jail from the Ganjam district;

(*b*) the number of them that are given rice diet and those that a given mixed diet;

(*c*) whether there are a number of political prisoners who con from respectable families, a few of them being both respectable ar income-tax assessees;

(*d*) the class in which each of these has been placed;

(*e*) whether any of those coming under clause (*c*) are also give mixed diet;

(*f*) whether most of those who are given mixed diet are convicte from the Ghumsur division of the Ganjam district;

(*g*) whether any previous or subsequent enquiry was made as to tl food to which those prisoners were accustomed; and

(*h*) how many of these political prisoners have gone down in weigl and what the reduction in weight in each case is?

A.—(*a*) Thirty-two.

(*b*) Eighteen are given rice diet, 13 mixed diet and 1 whe diet.

(*c*) The Government have no information.

(*d*) Thirty in 'C' class and two in 'B' class.

(*e*) Does not arise in view of answer to clause (*c*).

(*f*) Eight of the prisoners who are given mixed diet belon to Ghumsur division.

(*g*) The hon. Member is referred to sub-rule 3 (i) and (iv) rule 347-B on page 122 of the Madras Jail Manual. N prisoner placed on mixed diet has applied for a revisic of the classification.

(*h*) Six have gone down in weight by 2, 4, 6, 8, 10 and 1 pounds, respectively.

Transfer of two women political prisoners from the Vellore Jail to the Madura Jail.

* 247 *Q*.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the La Member be pleased to state—

(*a*) whether two women political prisoners were transferred fro the Women's Jail in Vellore to the Madura Jail, and if so, when;

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(*b*) whether they were made to live with the ordinary criminals in the Madura Jail, and if so, whether as a result thereof, one of the women political prisoners became a wreck in her body and mind; and

(*c*) whether the other woman political prisoner in the Madura Jail has been or will be transferred to the Women's Jail in Vellore?

A.—(*a*) Five female convicts were transferred from the Presidency Jail for Women, Vellore, to the District Jail, Madura, on 26th January 1932, 3rd June 1932, 15th June 1932, 19th June 1932 and 24th August 1932, respectively.

(*b*) The answer to the first part of the question is that they were made to live with other female prisoners not convicted for offences connected with civil disobedience movement The answer to the second part is in the negative.

(*c*) One of the five convicts was released on 18th June 1932. The other convicts will be re-transferred to the Presidency Jail for Women, Vellore, if and when accommodation becomes available in that jail.

Mr. A. RANGANATHA MUDALIYAR:—"With regard to the prisoner discharged on the 18th June, are the Government sure that she fell ill after and not before she was discharged?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I am not aware."

Mr. A. RANGANATHA MUDALIYAR:—"May I know whether it is not possible for the Government to provide the necessary accommodation in the Vellore Jail itself by transferring other prisoners instead of waiting for some time till accommodation becomes available?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The Vellore Jail which is intended for women is full. Therefore some of these prisoners have been transferred."

Mr. A. RANGANATHA MUDALIYAR:—"Are there no other prisons for women except the one at Vellore?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"No other prison intended exclusively for women."

Mr. BASHEER AHMED SAYEED:—"On what basis do the Government say that the women political prisoner who is alleged to have become a wreck in her body and mind has not become so?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The allegation is made by my hon. Friend himself."

Mr. A. RANGANATHA MUDALIYAR:—"Dr. Muthulakshmi Reddi also has made herself responsible for the statement."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I do not know that."

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Mappilla State prisoners confined under the State Prisoners Regulation.

* 248 *Q.*—B. Pocker Sahib Bahadur: Will the hon. the Law Member be pleased to state—

(*a*) the number of Mappilla State prisoners confined under the State Prisoners Regulation or Mappilla Outrages Act in connexion with the Malabar Rebellion of 1921 and who have been released since 31st March 1931 up till 30th June 1932; and

(*b*) the number of such State prisoners who are still undergoing confinement in connexion with offences connected with the Malabar Rebellion of 1921, stating the number of persons confined in each of the jails or in each of the cities where they are confined?

A.—(*a*) The number of Mappilla State prisoners confined under the Madras State Prisoners Regulation II of 1819 and the Mappilla Outrages Act, 1859, in connexion with the Malabar Rebellion of 1921, who have been released since 31st March 1931 up to 30th June 1932 is 174.

(*b*) A statement[a] is laid on the table of the House.

Mr. Abdul Hameed Khan:—" May I know when the Government propose to release the rest of these prisoners? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" The Government have not come to any conclusion on the subject."

Mr. Basheer Ahmed Sayeed:—" May we expect that the Government would come to a conclusion before the end of the year? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" All those who the Government thought should be released have been released."

Mr. Basheer Ahmed Sayeed:—" With regard to the rest, may we expect that they would be released before the close of the year? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" I am afraid I cannot give any definite answer."

Mr. Yakub Hasan:—" May I know whether there are any special reasons for treating them still as State prisoners? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" An examination of their records showed that their crimes were more heinous than those committed by people who have been released. They are not in prison."

Mr. Yakub Hasan:—" Will the hon. Member kindly re-examine those cases? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" I will take my hon. Friend's suggestion into consideration."

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[a] Printed as Appendix IV on page 257 infra.

Law and Order—General

Deputation to the Collector of South Kanara in regard to Police excesses.

* 249 *Q.*—Mr. U. C. Subrahmanya Bhatt: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that a very influential and representative deputation of the residents of South Kanara waited on the Collector on 24th April 1932 and requested him to institute a public enquiry into the cases of illegal and unauthorized aud excessive beating by the Police of individual volunteers less than five in number for picketing in the district of South Kanara since the beginning of April 1932, a statement of which was given to the Collector by them;

(*b*) whether he will place a copy of the said statement with the names and designations of the deputationists on the table of the House; and

(*c*) what action the Government have taken or propose to take in the matter?

A.—(*a*) Yes.

(*b*) A copy[a] of the petition is placed on the table of the House.

(*c*) Enquiry has been made by the District Magistrate. The Government are calling for some additional information from the Inspector-General of Police.

Mr. U. C. Subrahmanya Bhatt:—" May I know why, in spite of the notice being given by the Collector to the Police, the Police non-co-operated in the enquiry held by the Collector? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—" I do not think the Police non-co-operated. The House knows that the District Superintendent of Police was transferred. The *Inspector-General is calling for further information so that the* Government may consider what further action is necessary."

Mr. U. C. Subrahmanya Bhatt:—" My point is that, if the Police had tendered their evidence before the Collector, the enquiry would have been complete and there would have been no necessity for further enquiry."

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—" A further enquiry has to be made by the Inspector-General in any case."

Picketing of Messrs. D. Kanji Brothers, Mangalore, on 10th April 1932.

* 250 *Q.*—Mr. U. C. Subrahmanya Bhatt: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that on 10th April 1932 two picketers picketed the foreign cloth shop of Messrs. D. Kanji Brothers, Mangalore, and were severely beaten by the Police;

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[a] Printed as Appendix V on pages 258–265 infra.

(b) whether it is a fact that they formed an assembly of only two and that there were none others on the public road except the police and the police van in the vicinity; and

(c) whether it is a fact that the two injured picketers were admitted into the Wenlock Hospital for treatment; if so, whether the hon. the Home Member will be pleased to place a copy of the Accident Register or a statement from the Medical Officer who treated them showing the number and nature of the wounds received by them and the date and time when they were admitted into the hospital ?

A.—(a) Yes.

(b) The Government have no reason to suppose that the two picketers were alone at the time.

(c) It is reported that one of the picketers, Mr. Keshava was an in-patient in the hospital for five days. The Government have no information as to the date and time at which he was admitted into the hospital. It is reported that he received seventeen injuries.

Alleged beating of picketers at Mangalore on 4th May 1932.

* 251 Q.—Mr. U. C. Subrahmanya Bhatt: Will the hon. the Home Member be pleased to state—

(a) whether there was intensive picketing of foreign cloth shops in Mangalore on the 4th May 1932;

(b) whether it is a fact that the batches of two picketers that picketed Messrs. D. Kanji Brothers' shop on 4th May 1932 were mercilessly pushed to the ground, beaten and dragged on the road like carcasses of dogs;

(c) whether it is a fact that on the evening of the 4th May the innocent persons passing by on the road near the market wearing Gandhi caps were mercilessly beaten by the police; and

(d) what action have the Government taken or propose to take in the matter?

A.—(a) Yes.

(b) to (d) From a report received from the District Magistrate it appears prima facie that force in excess of the requirements of the situation was used by the Police on 4th May 1932. The question of what further action should be taken is under consideration of the Government who have called for further information.

Alleged police excess on Lakshminarayana Bellala, a Congress picketer of Perdur, Udipi taluk.

* 252 Q.—Mr. U. C. Subrahmanya Bhatt: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that a single Congress volunteer Lakshminarayana Bellala picketed a toddy or liquor shop in Perdur in Udipi taluk, South Kanara, about the middle of April 1932 and was very severely beaten by the police;

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(*b*) whether it is a fact that he was given about 200 beatings with lathies and canes by about five policemen and kicked by the Sub-Inspector;

(*c*) whether it is a fact that the police after so severely beating him left him on the road side about 11 miles away unconscious without giving him any medical assistance;

(*d*) whether it is a fact that he was later admitted as an in-patient in the Udipi Government hospital; if so, will the hon. the Home Member be pleased to place a copy of the accident register noting the injuries on his person, or, if that is not possible, at least a copy of the statement of the medical officer who attended on him showing the number and nature of the wounds on his body; and

(*e*) what action the Government have taken or propose to take in the matter?

A.—(*a*) Yes.

(*b*) *to* (*e*) From the report of the District Magistrate, it appears prima facie that force was used in excess of the requirements of the situation. The Government have called for further information with a view to the taking of such disciplinary action as may be necessary.

Press Communiqué, dated 18th April 1932 regarding the malingering of Congress volunteers beaten with light canes.

* 253 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state with reference to the Press Communiqué, dated 18th April 1932—

(*a*) whether the Government have taken expert medical opinion before coming to the conclusion and stated therein that picketers feign *unconsciousness as it is most improbable that they should be rendered* unconscious by being beaten with light canes;

(*b*) what the cases are that the Government say they have investigated and what the nature of the investigation is in each which, according to the Government, has proved that reports of excessive beatings are exaggerations;

(*c*) whether the Government have investigated into the cases of reported excessive beating of picketers in Mangalore on the 10th and 11th April 1932; if so, what the nature of the enquiry is and who were the persons examined; and

(*d*) will the hon. the Home Member be pleased to call for a statement of the District Medical Officer, Mangalore, who treated the beaten picketers Messrs. Keshava, M. M. Rama Rao and Jayarama Shetty, stating (i) the number and nature of the beating; (ii) whether any of the picketers could have become unconscious by the beating; (iii) whether any of them were actually unconscious and were having fever; and (iv) whether there were any fractures to any of the injured by the beating administered by the alleged light canes?

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A.—(a) The Government do not find any necessity for the expert opinion suggested.

(b) Investigations have been made in 38 cases. It is left to the District Magistrate concerned to decide what the nature of the investigation should be according to the circumstances. The Government have no information as to the nature of the investigation in each case.

(c) & (d) A report has been received from the District Magistrate from which it appears prima facie that force in excess of the requirements of the situation was used in two cases. Some further information has been called for with a view to the taking of such disciplinary action as may be necessary.

Alleged beating of Mr. Vittappa Prabhu on 14th May 1932 at Mangalore.

* 254 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that one Vitappa Prabhu was beaten mercilessly by the police of Mangalore when he was in police custody and was being escorted by them from near the market to the police station on 4th May 1932;

(b) whether he is an in-patient in the Wenlock Hospital, Mangalore, and whether any certificate has been given to him by the District Medical Officer, Mangalore; if so, whether the hon. the Home Member will be pleased to place a copy of the same or a copy of a statement of the District Medical Officer showing the number of injuries and their nature on the table;

(c) whether it is a fact that he has about two fractures caused by the beating; and

(d) what action have the Government taken or propose to take in the matter?

A.—(a) It is reported that he was beaten by the police when being taken to the police station on 4th May 1932.

(b) He was discharged from the hospital on 25th May 1932. The Government are not aware of any certificate given to him by the District Medical Officer.

(c) There was no fracture.

(d) The question of the disciplinary action to be taken is under the consideration of the Government who have called for further information.

Alleged flogging of certain forest satyagrahis.

* 255 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that 14 forest satyagrahis were sentenced to be flogged by the Joint Magistrate of Coondapur on 10th June 1932;

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o, what are the names and ages of the sentenced persons and the nber of stripes awarded to each and whether medical aid was given them after the execution of the sentence;

(b) whether any instructions have been issued by the Government ier to the District Magistrate of South Kanara or the Joint Magiste of Coondapur to award such sentences of flogging in such cases; l

(c) what is the policy of the Government in regard to flogging as unishment and whether the Government propose to substitute this thod of flogging in the place of the lathi and the cane?

A.—(a) Yes. Their names and other particulars are given in the annexed statement[a]. The Government have no information as to whether medical aid was given to them after the execution of the sentences.

(b) No.

(c) The policy of the Government is that the application of section 3 of the Whipping Act No. IV of 1909 should be confined in practice to cases in which both the status of the offender and the nature of the offence make the punishment of whipping suitable.

Mr. A. RANGANATHA MUDALIYAR:—" Are the Government satisfied at the infliction of flogging on these people is consistent with their licy enunciated in paragraph (c)? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " I have stated the policy of the Government. The hon. Member may draw his own conclusion."

Mr. A. RANGANATHA MUDALIYAR:—" The policy of the Government that flogging should be avoided as far as possible, but here it seems be a matter of routine. May I ask whether the Government are tisfied that the action of this Magistrate is in accord with their licy? "

Mr. U. C. SUBRAHMANYA BHATT:—" Does the Government think at in this case flogging was justifiable? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " I am not able to say anything more. I shall further examine this question."

Mr. BASHEER AHMED SAYEED:—" Does the Government sanction very case of flogging before the sentence is executed? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " No."

Mr. A. RANGANATHA MUDALIYAR:—" What was the offence for which hese people were sentenced? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " I must ask for notice."

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[a] *Printed as Appendix VI on page 265 infra*

Search of Khaddar depots.

*256 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state the khaddar depots searched by the Police up to date during the calendar year 1932, in the Presidency, with reasons for the search in each case?

A.—The only cases of which the Government are aware are:—

(1) Khadi Depot of the All-India Spinners' Association at Bezwada,

(2) the Sitanagaram Ashram in East Godavari district,

(3) the Khadi Vastralaya, Coimbatore,

(4) the Akhila Bharata Charka Sangam *alias* Khadi Bandar, Vizagapatam,

(5) the Khaddar Vastralayam in Tinnevelly, and

(6) the Khadi Depot of the Andhra Branch of the All-India Spinners' Association at Nidadavole.

The reasons for the search were in the case of item (1) a warrant issued by the Joint Magistrate authorizing the search for unauthorized news-sheets;

in the cases of items (2), (3) and (4) because the places were notified under section 3 (1) of the Unlawful Association Ordinance, No. IV of 1932;

in the case of item (5) a warrant issued by the Subdivisional Magistrate under sections 120-B and 507, Indian Penal Code; and

in the case of item (6) in order to ascertain if the funds of the depot were utilized for the furtherance of the unlawful activities of the Congress.

Mr. BASHEER AHMED SAYEED:—" As a result of these searches, in how many of these depots were incriminating matter and unauthorized news-sheets found? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" In almost all, I suppose, speaking from memory."

Mr. BASHEER AHMED SAYEED:—" Is that the information that the hon. the Home Member has? Is it a fact that in almost all these depots unauthorized news-sheets and incriminating matter were found? Were there not cases in which nothing was found? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" I have not got those details, Sir."

Mr. BASHEER AHMED SAYEED:—" Is not the hon. the Home Member in possession of the facts as to in how many cases they found incriminating matter after the search? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" I have nothing to add to what I have said."

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Legality of the double conviction and sentence passed on Mr. S. Satyamurti.

*257 *Q.*—Mr. V. M. Ramaswami Mudaliyar: Will the hon. the Home Member be pleased to state—

(*a*) whether the Government have received any opinion on the illegality of the double conviction and sentence of Mr. S. Satyamurti from an eminent advocate of Madras;

(*b*) whether the Madras Advocates' Association has sent any representation on the same question to the Government; and

(*c*) whether the Government have obtained the opinion of the Advocate-General on the same?

A.—(*a*) *to* (*c*) No.

Alleged Hindu Muslim tension in Nandyal.

*258 *Q.*—Mr. A. Ranganatha Mudaliyar: Will the hon. the Home Member be pleased to state—

(*a*) whether a new mosque was constructed in Nandyal by Mr. Syed Chinna Manna Sahib in or about 1930 and whether as late as October and December 1931 and the beginning of March 1932 the Hindu Dasara and Vaikunta Ekadasi processions, etc., passed the mosque in question with music without any protest or objection by any one;

(*b*) whether Mr. Gawne who was the District Collector of Kurnool, and Mr. Colebrook who was the District Superintendent of Police, Kurnool district, handed over charge of their respective offices on 28th February 1932 and 11th March 1932 respectively and whether during their regime there were any Hindu-Moslem troubles in Nandyal;

(*c*) the names of the Collectors and the District Superintendents of Police, who have held and are holding office in the district after Messrs. Gawne and Colebrook left, and the periods for which they held or the dates from which they are holding their office; and

(*d*) whether after the departure of Messrs. Gawne and Colebrook from the Kurnool district there have been Hindu-Moslem troubles in Nandyal and if so, the nature of those troubles and the reasons for them?

A.—(*a*) & (*d*) There is a mosque in Nandyal called Chinna Manna Sahib's mosque. The exact date of its construction is not known. It is reported that some difficulty arose between the Muhammadans and Hindus about the playing of music in front of the mosque in February 1932. On the night of the 4th March, an arrangement was made to let the Sivarathri procession pass with music after 9 p.m. when there is usually no prayer. There was, however, stone-throwing, probably by some Muhammadans who felt that the Hindus were lingering longer near the

mosque than was necessary. In connexion with Hindu processions proposed to be held on the 21st March an order under Section 144, Criminal Procedure Code, was passed by the Sub-Collector prohibiting the Hindus from taking processions with music. The same thing happened on the 6th April 1932, the Telugu New Year's day, when another order under Section 144, Criminal Procedure Code, was passed. No trouble has been reported since.

(b) Mr. Gawne handed over charge on the 1st March 1932 and Mr. Colebrook on 19th March 1932. It is reported that the trouble began as early as February 1932.

(c) The information is given in the statement below:—

Name of officer.	Date on which he took charge.	Date on which he handed over charge.
Collectors.		
1. Mr. V. S. Hejmadi, I.C.S.	1st March 1932 afternoon.	16th July 1932 afternoon.
2. Mr. E. B. Cobbald, I.C.S.	16th July 1932 afternoon.	..
District Superintendents of Police.		
1. Deputy Inspector-General of Police, Central Range, was in additional charge.	20th March 1932.	9th April 1932.
2. Mr. W. H. Wright	10th April 1932.	17th May 1932.
3. Deputy Inspector-General of Police, Central Range, was in additional charge.	18th May 1932.	1st June 1932.
4. Mr. V. K. Rajagopala Thamban ..	2nd June 1932.	..

Mr. A. RANGANATHA MUDALIYAR:—"May I know whether the Government are aware that very recently a procession was allowed to pass without any disturbance under the supervision of the present Collector?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"It was allowed to pass. There was some disturbance though not of a serious nature."

Mr. YAKUB HASAN:—"Was it allowed to pass the mosque at the time of the prayer?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"The District Magistrate took care to see that the procession did not pass at the time of the prayer."

Mr. YAKUB HASAN:—"The answer says that the procession was allowed to pass some time after 9 p.m. Is that practice still in force?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I do not know whether it is still in force, but the District Magistrate has ordered that the procession should not pass at the time when the actual service is conducted in the mosque."

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Mr. ABDUL HAMEED KHAN:—"May I ask whether the Government think that there is any specified time for prayers in the mosque?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"There are five times every day when prayers are conducted in a mosque. The congregation generally know at what time they have to go to the mosque."

Mr. ABDUL HAMEED KHAN:—"May I ask whether the Government think that prayers are prohibited in the mosque at other times?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"Prayers are not prohibited at other times, but the recognized service takes place only at a particular time."

Mr. ABDUL HAMEED KHAN:—"At the same time, are the Government aware that people continue to say their prayers in the mosque at all hours of the day and even till late in the night?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"*One or two people are always there saying their prayers, but the* recognized service takes place only at a particular time."

Mr. A. RANGANATHA MUDALIYAR:—"Are the common rights of way such as going in a procession with music along the public streets interfered with only for the sake of old mosque which have been existing for a long time, or are they to be interfered with for the sake of any mosques that have recently come or may come into existence hereafter?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I think these questions are considered on their merits as they arise."

Mr. ABDUL HAMEED KHAN:—"May I ask whether the Government are aware that this mosque is not a very old mosque?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I am prepared to take the information from the hon. Member."

Mr. A. RANGANATHA MUDALIYAR:—"Two years."

Order, dated 3rd June 1932, under section 144, Criminal Procedure Code, issued by the Sub-Magistrate of Jayankondasolapuram, Trichinopoly district.

* 259-A *Q.*—Mr. V. T. ARASU: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that the Sub-Magistrate of Jayankondasolapuram in Trichinopoly district has issued on the 3rd June 1932 an order under section 144 of the Criminal Procedure Code, prohibiting any kind of meetings and demonstrations in about eleven villages of the Udaiyarpalaiyam zamindari, for a period of two months; and

(*b*) the reason or reasons which prompted the Magistrate to issue that order?

A.—(*a*) *An order under section 144, Criminal Procedure Code,* was passed but the order prohibited only meetings, demonstrations or propaganda against payment of rent legitimately due to the Udaiyarpalaiyam Zamindar and towards the offering of resistance to the zamin officials in the attachment of properties.

(*b*) A copy[a] of the order of the Stationary Sub-Magistrate, Jayankonda-Cholapuram, dated 3rd June 1932, under section 144, Criminal Procedure Code, giving reasons for its promulgation, is *laid on the table of the House.*

Police

Police help to the Zamindar of Udaiyarpalaiyam.

* 259-B *Q.*—Mr. V. T. Arasu: With reference to question No. 87 answered on 3rd August 1932, will the hon. the Home Member be pleased to state whether the further information, promised to be called for, has been received; and, if so, whether it will be placed on the table of the House?

A.—The information received is as follows:—

From June 1931 there existed a dispute between the Zamindar of Udaiyarpalaiyam and some of his tenants. Persons alleged to be the enemies of the Zamindar are reported to have started a 'no-rent' campaign against him. They held numerous meetings in various villages at which speeches were made advising the ryots not to pay rents to the Zamindar, to molest the collection agents and to intimidate and boycott those tenants who did not abide by their decisions. The feelings between the Zamindar and his tenants became strained, rents were not paid and on the night of the 13th July 1931 a hayrick belonging to the Zamindar was set fire to. As the situation had become serious the District Superintendent of Police visited the locality, made personal enquiries into the matter and had some ring-leaders charged under section 107, Criminal Procedure Code.

2. As a breach of the peace was anticipated, a prohibitory order under section 144, Criminal Procedure Code, was issued as a result of which the situation became temporarily normal. But certain persons alleged to be the enemies of the Zamindar again started the 'no-rent campaign,' and threatened the zamin officials and patta monigars with acts of violence. The District Magistrate therefore held a conference of all ryots on 17th November 1931 at which the Zamindar was present. The Zamindar announced certain concessions, but the ryots were not

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a Printed as Appendix VII on page 256 infra.

satisfied and went so far as to attack him in his car. As further trouble was expected, a party of reserve police was temporarily quartered at the Zamindar's residence to prevent any disturbance of the peace.

3. Everything went on smoothly for sometime and collections proceeded peacefully till March 1932, when the situation again changed for the worse. Certain persons again began to hold secret meetings and advise tenants to agitate against the collection of rents. The ryots began to assault the zamin officials and a serious breach of the peace between the two parties was apprehended. An order under section 144, Criminal Procedure Code, was therefore promulgated in eight villages. In June 1932 the District Superintendent of Police went to Udayarpalaiyam with a party of reserve police. He visited the villages, interviewed the leaders and tenants and warned them against illegal action and advised them to adopt constitutional methods. As a result the situation returned to normal and rents were paid.

4. The reserve party remained in Udayarpalaiyam from the 7th to the 16th June 1932 when everything appeared quiet enough to warrant their departure. They visited the affected villages in the zamindari accompanied by the District Superintendent of Police, but not by the Zamindar's band and officials.

5. The police interference was in the interest of law and order. No contribution was asked for from the Zamindar or paid by him.

Arrest and detention of Messrs. Saravam Pillai and Pichai Pillai of Udaiyarpalaiyam.

* 259-C *Q.*—Mr. V. T. Arasu: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that in the month of August 1931 Messrs. Saravam Pillai and Pichai Pillai of Angarayanallore, Udaiyarpalaiyam taluk, Trichinopoly district, were arrested and kept in remand;

(*b*) if so, under what section and for what offence were they arrested and under whose orders;

(*c*) whether any warrant was obtained by the police before they were arrested; if not, why not;

(*d*) whether it is a fact that they were arrested and kept in remand on the 14th of August whereas the first information report against them was recorded and forwarded only on the 16th of that month;

(*e*) if so, what were the reasons for this irregularity in procedure and what action the Government propose to take against those responsible; and

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(*f*) whether it is a fact that the order under section 144, Criminal Procedure Code, which they were alleged to have disobeyed was served on them only when they were in the lock-up?

A.—(*a*) Yes.

(*b*) They were arrested by the police under section 151, Criminal Procedure Code, as there was danger of the commission of offences involving a breach of the peace.

(*c*) No warrant of arrest was obtained by the police as no warrant is required for arrests under section 151, Criminal Procedure Code.

(*d*) They were arrested by the police on 14th August 1931 and remanded by the Subdivisional Magistrate, Ariyalur, on 15th August 1931 pending receipt of the charge-sheet. The first information report and the charge-sheet, dated 16th August 1931 were received by the Subdivisional Magistrate on the same day.

(*e*) It is reported that the police had reasonable cause to think that there was danger of the commission of offences involving a breach of the peace which could be prevented only by the immediate arrest of the persons concerned. There was no irregularity of procedure in arresting these persons under section 151, Criminal Procedure Code, and producing them before a Magistrate without avoidable delay for remand.

(*f*) The arrest on the 14th August 1931 was, as stated above, not made for any disobedience of orders under section 144, Criminal Procedure Code.

Arrest of Mr. Pennadam Somasundaram Pillai and seven others of Udaiyarpalaiyam and the attachment of their properties.

* 259-D *Q.*—Mr. V. T. Arasu: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that Pennadam Somasundaram Pillai and seven other respectable and peaceful ryots of Udaiyarpalaiyam zamindari were ordered to be arrested, their properties attached and proclamation of sale issued on the 17th of August 1931;

(*b*) if so, whether any reasons were given by the officer who ordered those proceedings, and if so, what they are;

(*c*) under what provisions of law were the properties ordered to be attached;

(*d*) what the circumstances were that led to this series of proceedings all on one and the same day; and

(*e*) whether any opportunity was given to the said accused to explain their conduct before orders were passed, and if not, why not?

A.—(*a*) & (*b*) Arrest warrants and notices under sections 87 and 88, Criminal Procedure Code, were issued on 17th August 1931 to Pennadam Somasundaram Pillai and five other ryots of Udayarpalaiyam zamindari as the police reported that these persons, who were suspected of designing the commission of offences involving a breach of the peace, were absconding.

(*c*) Under section 88, Criminal Procedure Code.

(*d*) The police charge-sheet showed that urgent action was necessary to prevent the commission of offences involving a breach of the peace. The simultaneous issue of arrest warrants and notices under sections 87 and 88, Criminal Procedure Code, was irregular. The irregularity has been pointed out to the District Magistrate.

(*e*) The accused were reported to be absconding and the orders in question were passed to secure their presence.

Regulation of professional qualifications and standards

Alleged irregularities in the Office of the Registrar of the Madras Medical Council.

* 260 *Q.*—Mr. V. T. Arasu: Will the hon. the Law Member be pleased to state—

(*a*) whether grave irregularities have been detected by the Government in the working of the Office of the Registrar of the Madras Medical Council;

(*b*) if so, what the nature of the irregularities is; and

(*c*) what action has been taken, or is proposed to be taken by the Government against those responsible for the same ?

A.—(*a*) Yes.

(*b*) Serious irregularities such as falsification of accounts, fabrication and destruction of public records and documents and misappropriation of public funds.

(*c*) The audit report on the accounts of the Madras Medical Council for 1931 which revealed the irregularities referred to above has been communicated to the Council which has been requested to conduct a thorough enquiry into the matter, rectify the irregularities brought to light and submit a report showing the action it has already taken or proposes to take in the matter. The President of the Council has also been asked to expedite the prosecution of the clerk of the office who is apparently responsible for the aforesaid irregularities and report the result of the prosecution. The Government have also asked the Council for its views on the Registrar's responsibility in the matter.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

NON-OFFICIAL BUSINESS.

II.—A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920 (BILL No. 25 OF 1932).

The hon. the PRESIDENT:—" The discussion on Mr. Moses' Bill (Bill No. 25 of 1932) which was adjourned yesterday will now be resumed."

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" I have no objection to the Bill, Sir."

The question that the Bill be taken into consideration was put and carried.

Clauses 1 *and* 2.

Clauses 1 and 2 of the Bill were put and carried, and was allowed to stand part of the Bill.

Preamble.

The Preamble was put and carried, and was allowed to stand part of the Bill.

Mr. P. C. MOSES:—" I move—

' *that the Bill be passed into law* '."

Mr. DANIEL THOMAS:—" I second it."

The question that the Bill be passed into law was put and carried and the Bill was passed into law.

III.—RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

(1) CANCELLATION OF CERTAIN GOVERNMENT ORDERS REGARDING THE DISTRIBUTION OF DISCHARGED TEMPORARY EMPLOYEES IN THE CAUVERY-METTUR PROJECT AMONG THE REGULAR CIRCLES OF THE PUBLIC WORKS DEPARTMENT.

30 * The hon. the PRESIDENT:—" Discussion on the following resolu-
1. tion[a] will continue:—

' *This Council recommends to the Government that G.Os. No.* 2760 *W., dated 3rd November* 1931, *and No.* 939 *W., dated 26th April* 1932, *of the Public Works and Labour Department authorizing the distribution of the temporary employees in the Cauvery-Mettur Project among the regular circles of the Public Works Department be cancelled to redress the grievance of the employees in the regular circles that their seniority and prospects are seriously affected* '."

* Rai Sahib C. KOLANDA REDDI:—" Mr. President, Sir, it was on the last day of the last meeting that I moved this resolution. It is well nigh three months since I moved that resolution and initiated a debate thereon. I am afraid it has become almost past history and I think therefore that it is necessary to take a cursory survey of what transpired in the debate on the resolution. We are all aware of the famous

[a] Vide page 400 of the Proceedings of the Legislative Council, dated 5th August 1932.

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Cauvery-Mettur Project. It was started in the year 1925. In order to execute the project, several divisions and subdivisions were formed and a temporary establishment was recruited for the purpose. These members of the temporary establishment were entertained under paragraph 56 of the Public Works Code. After a few months, the members of this temporary establishment memorialized the Government to the effect that they should be distributed among the members of the permanent establishment in regular Circles of the Public Works Department. The Government granted their prayer and passed these two Government Orders to which I have referred. At the time of their recruitment, they were given to understand that their services were temporary and they would cease when the work was completed. Distributing these people among the regular Circles of the Public Works Department means injury to the prospects and seniority of the members of the permanent establishment of the regular service. Thus, in distributing these people and in absorbing them among the members of the permanent establishment, the interests of the latter are seriously injured."

The hon. Sir ARCHIBALD CAMPBELL:—" May I rise to explain the matter? They will not be put over the heads of any members of the permanent establishment who have already been confirmed."

* Rai Sahib C. KOLANDA REDDI:—" Hence, Sir, I recommend the cancellation of these two Government Orders. This resolution was ably seconded by my hon. Friends, Messrs. Koti Reddi, Abdul Hameed Khan and Satyanarayana. Mr. Thorne replying on the side of the Government did not rebut or contradict the statements made by me or the inferences drawn therefrom. On the other hand, he simply took shelter under the plea that these Government Orders were passed under the statutory rules framed by the Secretary of State, and secondly that only 120 persons were affected by these Government Orders. To be brief it is manifestly unjust that the interest of these poor and voiceless clerks should be made to suffer. I request therefore the members of the House to agree with me and to recommend to the Government to cancel the said Government Orders."

The resolution was put and declared lost.

Rai Sahib C. Kolanda Reddi demanded a poll and the House divided thus:—

Ayes.

1. Mr. Mahboob Ali Baig.
2. ,, Abdul Hameed Khan.
3. ,, Basheer Ahmed Sayeed.
4. Mr. Ahmed Miran.
5. Rai Sahib C. Kolanda Reddi.

Noes.

1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur.
2. ,, Diwan Bahadur Sir M. Krishnan Nayar.
3. ,, Sir Archibald Campbell.
4. ,, Mr. H. G. Stokes.
5. The hon. Diwan Bahadur S. Kumaraswami Reddiyar.
6. ,, Mr. P. T. Rajan.
7. ,, Diwan Bahadur B. Muniswami Nayudu.
8. Rao Bahadur G. Jagannadha Raju.
9. Mr. C. E. Jones.

Noes—cont.

10. Mr. J. A. Thorne.
11. ,, H. M. Hood.
12. ,, R. Madanagopal Nayudu.
13. ,, S. H. Slater.
14. ,, T. Sundara Rao Nayudu.
15. Khan Sahib Syed Tajuddin Sahib Bahadur.
16. Mr. M. D. T. Ranganatha Mudaliyar.
17. ,, K. P. Raman Menon.
18. ,, M. Devadasan.
19. Rao Sahib N. Siva Raj.
20. Mr. B. P. Sesha Reddi.
21. ,, P. C. Moses.
22. ,, P. V. Rajagopala Pillai.
23. ,, V. G. Vasudeva Pillai.
24. ,, C. Indriah.
25. Mr. P. Bayappa Reddi.
26. Rao Sahib V. Dharmalingam Pillai.
27. Mr. Daniel Thomas.
28. Rao Sahib P. Subrahmanyam Chetti.
29. ,, C. Jayaram Nayudu.
30. Mr. D. V. Narasimhaswami.
31. Sriman M. G. Patnaik Mahasayo.
32. Mr. R. Foulkes.
33. Rao Bahadur Sir A. P. Patro.
34. Mr. C. Basu Dev.
35. Diwan Bahadur S. Ellappa Chettiyar.
36. Mr. G. Sriramulu.
37. ,, H. M. Jagannatham.
38. Rao Sahib V. I. Muniswami Pillai.
39. Rao Bahadur R. Srinivasan.
40. Mr. C. Krishnan.

Neutral.

1. Pandit Ganala Ramamurti.
2. Mr. K. Kesava Ramamurti.
3. ,, H. B. Ari Gowder.
4. ,, A. V. Bhanoji Rao.
5. ,, J. A. Davis.
6. Dr. P. Subbarayan.
7. Mr. Yakub Hasan.
8. ,, T. C. Srinivasa Ayyangar.
9. ,, Sami Venkatachalam Chetti.
10. ,, V. P. Narayanan Nambiyar.
11. ,, M. A. Manikkavelu Nayakar.
12. Mr. A. Ranganatha Mudaliyar.
13. ,, C. R. Parthasarathi Ayyangar.
14. ,, C. Satyanarayana Choudari.
15. Rao Bahadur C. Natesa Mudaliyar.
16. Khan Bahadur Yahya Ali Sahib Bahadur.
17. Mr. W. P. A. Soundara Pandian.
18. ,, G. R. Premayya.
19. ,, G. Lakshmana Reddi.
20. S. M. K. Beyabani Sahib Bahadur.

Ayes 5. *Noes* 40. *Neutral* 20.

The resolution was lost.

(2) HONORIFIC PREFIX AND SUFFIX TO THE NAMES OF THE MEMBERS OF THE VISWA BRAHMANA COMMUNITY.

Pandit GANALA RAMAMURTI :—" Sir, under Standing Order 55 (3), I beg leave to move the resolution standing in the name of my esteemed friend, Mr. Mahmud Schamnad Sahib, *re.* the honorific prefix and suffix to the names of the members of the Viswa Brahmana community."

The House signified its assent.

* Pandit GANALA RAMAMURTI :—" Mr. President, Sir, I rise to move the resolution standing in the name of my friend, Khan Bahadur Mahmud Schamnad Sahib Bahadur, viz. :—

'*This Council recommends to Government that the names of the communities now recorded as Kammalans, Kammasalins and Thattans be hereafter entered in Government records as Viswa Brahmans with the suffix of " Acharyar Avargal " or " Acharyulu Garu " to the names of the Tamil and Telugu members respectively and the honorific prefix of " Brahma Sri "*

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instead of " M.R.Ry." according to the prevailing custom except in cases where a desire in writing is definitely expressed otherwise.'

" Sir, though I gave notices of cut motions to demand No. XXVII. Miscellaneous Departments, Reserved, Gazetteers, and Statistical Memoirs in the budget of 1931–32 and to demand No. XXVIII. Miscellaneous Departments, Transferred, Provincial Statistics, Registration of Births and Deaths in the budget of 1932–33, they were not reached and as a result of the same I could not place before you, Sir, the deplorable humiliation and hardship to which the members of my community are being subjected by the other caste-Hindu officials who are holding high offices in the administration in unfairly recording their names in a contemptible manner in the Gazetteers and Statistical Memoirs and Births and Deaths Registers. I may be allowed to submit that a resolution having the same substance though not the same text of this resolution was discussed on 4th August 1931 on the floor of this House, only summarily but not satisfactorily. The unsympathetic attitude then taken up by the Government and the discourteous reply given by them created unrest in my community. It is true that there is a Government Order No. 1955, Law (General), dated 19th November 1921, regarding my caste title 'Achari.' But this Government Order is vague, inadequate and unsatisfactory. Taking advantage of the wording of this Government Order, the karnams of the northern districts and the monigars of the southern districts are recording the name of my community as Kammalan, Kamasalin and Thattan with the suffix " Asari " against the names of the members thereof in the Births and Deaths Registers on the plea that they have done according to what they say and how they pronounced. I have received letters from the members of my community in various parts of the Presidency stating that even though they give out their community's name and pronounce their caste title correctly they are being wrongly entered and spelt. This wanton insult is entirely due to the longstanding animosities between this community and other communities in the Hindu fold. When it is the elementary right of every citizen to have the freedom of having any word for his community's name and any caste title, it is not known what right the karnams and the monigars have to so wrongly enter in the Births and Deaths Registers and thus offer an insult to my community.

" Then, Sir, I condemn also the inhuman, barbarous and outrageous conduct of the said officers and some authorities of the Revenue Department for not addressing the members of my community with the general honorific prefix of 'M.R.Ry.' in their communications to them requiring them to furnish information regarding births, deaths, etc., and thus wounding their feelings. It is not out of place to mention here the desire of my community that the honorific prefix 'Brahma Sree.' should be substituted for " M.R.Ry." when addressing them according to the prevailing custom among them. I urge this on the sanction of

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the community given in resolutions passed at various Conferences convened for the same.

" Now, Sir, with your permission, I read the following extracts which speak for themselves as to how long the members of my community have been constitutionally agitating for the demand embodied in this motion and since how long the bureaucratic officers have been pursuing inequitable methods neglecting to comply with this simple request and thus creating discontent among the members of my community.

" The following appears in the Census of India, 1871, Vol. I, Madras Presidency Report, at page 151 :—

'In the south all the members of the Kammalar or artisan castes wear the sacred thread and many of them call themselves " Viswa Brahmans " . . . and some of them style themselves " Achari " or " religious teacher " (Sakaladhikari).'

" In the Census of India, 1881, Berar Report, at pages 166 and 167, the following is found :—

'In the Mackenzie Mss. however there is an account of the marriage of a Sonar youth to the daughter of a Brahman poet in the Tailanga country. . . . The Sonars have religious teachers of their own caste, the Acharis of the Peninsula and the Sonar Brahmans of the Deccan, and they are said to have claimed and vindicated their right against the Brahmans to perform their own marriage ceremonies.'

" In the Census of India, 1891, Volume XIII, Madras, Part 1, Report, at page 280, it is stated as follows :—

'Kammalan.—Inscriptions show that as late as the year 1030 A.D. the Kammalars were treated as a very inferior caste for they, like the Pariayans, Pallans, etc., were confined to a particular part or cheri of the village site (vide South Indian Inscriptions) . . . Their usual title is Achari and some call themselves Pattan (Pandit) which is an equivalent of the Brahman Bhatta.'

" In the Census of India, 1901, Volume VIII, Berar, Part 1, Report, at page 175, I find :—

'The case of Lohars or blacksmiths is somewhat different, though for them also a claim has been put forward to rank with Brahmans. Some of them call themselves Twasta Brahmans but nobody else appears to recognize their position as superior to Kunbis. So I place them below the latter.'

" In the Census of India, 1901, Volume XV, Madras, Part I, Report, at page 158, the following may be noticed :—

'They usually call themselves Viswa Brahmans.'

" The Census of India, 1901, Volume XXV, Rajputana, Part 1, Report, has the following at page 163 :—

'*Sunar.—Most of them claim to be twice-born and some wear the sacred* thread but their claim is not generally recognized and they have been classed among the high order of Sudras. Their origin is obscure and they appear to be of mixed descent.'

" In the Census of India, 1901, Volume XXVI, Travancore, Part 1, Report, the following appears at page 274 :—

'At Trikkariyar in Muvattapuzha taluk where it is said Parasurama was *last seen by mortal eye, the writer was interested to see Kammalars having the* identical dress and jewellery of Tamil Brahmans of the Smarta persuasion.'

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" The Census of India, 1911, Volume VII, Bombay, Part 1, Report, contains the following passage at page 302:—

'Sonar.—Before and during the time of Peshwas they were not allowed to wear the sacred thread and they were forbidden to hold their marriages publicly as it was unlucky to see a Sonar bridegroom. Sonar bridegrooms were not allowed *to use the State umbrella or to ride in a palanquin and had to be* married at night and in remote spots. In Kanara this dislike for the Sonars was carried so far, that orthodox and superstitious persons would not even utter the word Sonar at night and did their best to avoid the sound of their implements at the time of offering prayers and worshipping the Gods. Even up to this day in Kanara members of even lowest castes will not eat their meals at the house of a Sonar or sleep under his roof.'

" The Census of India, 1911, Volume XVI, Baroda, Part 1, Report, reports at page 248:—

'Sompura Salat (Stone workers) and Sompura Brahmans were originally of one caste. Those who took to stone work were looked upon as degraded by those who acted as priests and brought about a division.'

" The Census of India, 1911, Volume XXIII, Travancore, Part 1, Report, says at page 269:—

'Kammala.—In connexion with the census, memorials were received on behalf of the Kammala caste that they should be shown in the Census Schedules as Viswa Brahmans.'

" In the Census of India, 1921, Volume VIII, Bombay Presidency, Part 1, General Report, at page vii, appendix, the following may be noted:—

'The Panchals claimed recognition . . . under the name, Viswa Brahmans. . . This is an old claim and recurs regularly at every census both in Bombay and Madras.'

" In the Census of India, 1921, Pudukottai State Report, at page 105, the following appears:—

'Kammalans . . . have returned themselves as Viswa Brahmans.'

" The Census of India, 1921, Volume XXI, Hyderabad State, Part 1, Report, speaks thus at page 258:—

'Sonar.—The Malvi Sunars take their name from Malwa, their original habitation and over that they were originally Brahmans and were degraded for adopting the goldsmith's profession.'

" The Vizagapatam District Manual says at page 66:—

'During the reign of Chola Chakravarti, Kamsalies claimed to be equal to Brahmans. This offended the said sovereign and he ordered their destruction. Some only avoided death by taking shelter with people of " Ozu " caste. As an *acknowledgment to these people many of the Kamasala people affix to* their house name the term " ozu " as Kattozu, Lakkozu, Patozu, etc. Besides making gold and silver ornaments goldsmiths serve as Shroffs.' (But the learned writer did not know that " Ozu " is the name of a Brahman sect in Northern India.)

" North Arcot District Manual says at page 226:—

'Kammalans or Kamasalas.—The Brahmans and Kammalars appear from time immemorial to have been rivals. The former say that Viswakarma, the son of Brahma, from whom they assert that all Kammalas are descended was condemned *to become a " Chandala " or outcaste and that his progeny are therefore* the lowest of all.'

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" ' People of India ' by Dubois contains at page 6:—

' The Brahmans however do not hold the highest rank in society undisputed. The Panchalas or five castes of artisans who have been already mentioned, obstinately refuse in several districts to acknowledge the superiority of the Brahmans.'

" In ' the Original Inhabitants of Bharatvarsha or India ' by Gustau Oppert the following appears at page 58:—

' The five classes of artisans—the carpenters, goldsmiths, blacksmiths, braziers and masons were known in Southern India as Panchalar or Kammalar —regard themselves as the real Brahmans and as the descendants of the divine artificer Viswakarma and call themselves Viswa Brahmans. They assume the title of " Acharya," wear the holy thread.'

" The same learned author published the following extract on page 59, footnote, from the judgment of Chittur Jillah Court, delivered by Mr. Joseph Darcre on 28th June 1820:—

' That moreover, the plaintiffs are Deva or divine Brahmans (Viswa Brahmans) and that the defendants are Go or Cow Brahmans who were originally Sudras and by certain penance and ceremonies obtained Brahmanism . . .'

" Again at page 61 the author remarks:—

' In 1843 a similar case was tried in Salem. . . A panchal, Ramalingachari for claiming certain rights had been insulted and severely beaten by some persons and his sacred thread had also been torn to pieces."

" The following is found in Races of the North Western Provinces of India, by Sir Henry Elliot, Volume 1, at page 329:—

' Sonars of Bhangoan claim to be Thakurs (Pandits or Brahmans) from Kanaug which locality they profess to have left 1,500 or 1,600 years ago."

" Hindus Tribes and Castes as represented in Benares by Rev. M. A. Sherring contains at page 314:—

' *Sonar.—The Sonars are goldsmiths, silversmiths and jewellers.* . . The Mahratta Sonar caste regards itself as allied to Brahmans.'

" In Tribes and Castes of Central Provinces of India by Russell, Volume 1, the following appears at page 396:—

' Claim to be Viswa Brahmans presumably in virtue of their descent from Viswakarma the celestial architect.'

" The Cochin Tribes and Castes by Mr. L. K. Ananthakrishna Ayyar, Volume 1, contains the following at page 349:—

' The Kammalars.—The inscriptions of 1013 A.D. show that at that time they had to live outside the villages in hamlets of their own like the Parayans and other low castes.'

" The Mysore Tribes and Castes by the late Mr. H. V. Nanjundayya and Rao Bahadur L. K. Ananthakrishna Ayyar, Volume IV, says at page 469:—

' Panchala.—Parayans and washermen are said not to accept food from this caste, probable reason being that the latter belong to left hand division of caste.'

" In ' Hindu Castes and Sects ' by Jogendra Nath Battachariyar, I find at page 245:—

' In fact not even a Paria will take a drink of water from the hands of a Panchanam. Formerly the Panchanams were not allowed to wear shoes or *to carry umbrellas with them or to ride in a palki even at the time of*

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marriage. . . They profess to be descended from the celestial architect Viswakarma and wear Brahmanical triple cord. They claim to be equal to the Brahmans but their pretensions are not admitted by anyone not of their caste.'

"In 'Tribes and Castes of Bombay' by R. E. Enthoven, Volume III, the following appears at page 156:—

'Panchals.—Panchals are also known as Vishva Brahmans or Acharis.'

"Antiquities of India by Mr. Barnett has the following at page 30:—

'Viswakarma—literally 'All-Maker,' a God who in the Veda is very abstract but gradually evolved into a definite character being in the Brahmanas the same person as Prajapati and finally becoming the ideal craftsman, like the Greek Hephaistos.'

"The Indian Empire by Sir W. W. Hunter says thus at page 246:—

'In Southern India, the goldsmiths strenuously resisted the rule of the Brahmans, and for ages claimed to be the true spiritual guides styling themselves acharyas 'religious teachers' and wearing the sacred thread.''

"Last if not the least is the following:—

'In the Indian Law Reports, Madras Series, 1911, Volume XXXIV, I read at page 422 thus—

Appellate Civil—Before Mr. Justice Sir Abdur Rahim and Mr. Justice Krishnaswami Ayyar in the matter of Devulapalli Kameswara Sastri and others, appellants *versus* Polavarapu Veeracharyulu, minor by his guardian Kodamanchi Bhimanna (Viswa Brahman of Desiya sect) respondents. This is the Second Appeal against the decree of V. Subrahmania Pantulu, Subordinate Judge of Cocanada in Appeal Suit No. 146 of 1906 presented against the decree of T. Swami Ayyar, District Munsif of Peddapur in Original Suit No. 139 of 1906.'

Abdur Rahim J., remarked:—"I entirely agree in the conclusion reached by my brother Krishnaswami Ayyar."

Krishnaswami Ayyar, J., observed—"The defendants have been dealt with as Sudras in this case and no question has been raised as regards the correctness of that view. . . The defendants in the present case are Sudras."

"Well, Sir, I do not propose to further indulge in quoting extracts, nor do I intend to enter into the merits or the demerits of the opinions expressed in them. The inconsistencies and the misrepresentations abounding in the foregoing quotations ridiculing and treating with scant respect what my community professes to be may be discussed and quashed by arguments based on the vedic and puranic authorities but I do not like to enter into them and tire out the patience of the hon. Members. But the purpose of these quotations is that they show the contention of my community throughout the length and breadth of India from times immemorial that they are Viswa Brahmans. Personally I am not enamoured of these caste titles and even if this motion should be accepted I assure the hon. Members that I do not propose to add them to my name. For, I preferred the name of Viswakarmans for my community in the Memorandum that I submitted to Dr. Hutton, the All-India Census Superintendent in 1930

n behalf of the All-India Viswakarman Liberal Federation, as in my pinion these titles do not materially advance the interests of my ommunity. But I have received letters not only from various parts f this Presidency but also from other parts in India protesting against calling the community as Viswakarmans instead of Viswa Brahmans. I am thus obliged to incorporate the wishes of the members f my community at large in the present resolution in the capacity f their spokesman.

"As I demanded in the recent budget discussions that my community should be included among the depressed classes for the purpose f education and services I may be misunderstood if I do not make ny position clear. Taking into consideration the backwardness and he helpless state of my community the Venerable Pandit Kotturti arvacharya Maharishi Garu and Akoju Ramalingaswami Ayyavaralungaru of Vizagapatam belonging to the Prangnadu Sect urged for the nclusion of my community among the depressed classes fifty years go in repudiation of the arguments advanced in the Chittoor ispute by the late Mr. Margasahayacharya. This view was resented y one Kosuri Papayya Dikshita, Masulipatam, belonging to the Desiya sect. But the then leaders of the community assembled at Rajahmundry and issued a manifesto, dated 23rd March 1878, supporting the former's view and arguments. In the paper read before he Sanmargabodhini Samaj of Rajahmundry, East Godavari district, n or about 1903 my revered father the late Brahma Sri Vividha Vidya Vinodhi Ganala Veerabhadriah Garu urged the Government o consider this community as a depressed one and help the same by ome ameliorative work. The poet-philosopher His Holiness Jagadguru Bhagavan Potuluru Veera Brahmendra Swamulavaru in his famous ong 'Brahmanulitey seranu jesudanu Brahmagnanamu thelu paraya?' xpressed a similar idea. I confess that I am unfit to sit in judgment over what these veteran leaders whose names are even to-day ear and near to every member of my community, had said. I have imply repeated in my speech what they had spoken. But my friend Mr. Muniswami Pillai misunderstood that I am demanding share in the political and franchise rights of the depressed classes, which I categorically deny. I do not want to claim anything which s set apart for the so called Adi-Hindus but what I urge for is that he Government should afford my community similar separate treatment. The name of my community is already included in the list of backward classes maintained by Government for purposes of ommunal representation in public services and for educational concessions along with the depressed classes. My request during the udget discussions was to delete the name of my community from the econd part of the said list and include it under the first part of the ame. This is but a trivial matter to Government if they do not propose to elevate Adi-Hindus and put other Hindu backward communities in their place. The same view was endorsed by the ecent United Province depressed classes conference also.

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" Coming to the point I submit that my hon. Friend Mr. V. T. Arasu pported the idea of calling the excise peons hereafter by the name excise constables in one of his last budget speeches, but was on previous occasion opposed to the demand of my community in egard to its name and caste titles to its members and accused me nat as a prominent member of the Self-respect movement I should ave no glamour for these titles. But by way of personal explana-on I may inform him that I never took part in the Self-respect novement but that I have taken some part in the Sanatanavarnasrama Dharma Conferences. I would also like to assure Mr. Yakub Hasan hat if all other communities give up their communal titles like Ayyar, Ayyangar, Sastri, Pantulu, Chetti, Nayudu, Chowdari, Mudaliyar, Pillai, Moulana, Moulvi, Janab, Saheb Bahadur, etc., I would per-uade the members of my community to give up theirs. But so long s they continue to use them, justice and fairplay would support the laim of my community for the use of the same. I regret to say that n a former occasion I was misunderstood by some hon. Members hen I urged for the acceptance of the use of 'Pandit Maharaj' by section of my community members. The appellation does not mean 'Maharajah' which is generally used by the aristocracy but is only qual to the ordinary term Garu a general plural form, and the ame is used by Viswa Brahmana Silpis and Brahaman Sanyasins. I ave not however included the same in the present resolution so as ot to offend against the sentiment of those who read a different neaning into the same.

" Lastly, I wish to say a word or two in regard to the honorific prefix of 'Brahma Sri.' This is not a term of great respect but s only an equivalent to 'Tiruvalar' in Tamil and does not carry with it more respect than the term 'Swami' which is prefixed to he name of my friend, Mr. Sahajanandam, a leader of the Adi-Dravida community. My community has no objection to the use of 'Brahma Sri' by the members of any other community. For nstance, none has taken objection to the use of the said term against he name of his father, by Mr. Umar Alisha of Pithapur, East Goda-vari district, a Muhammadan and a renowned Telugu poet of the modern times, and also a member of the Andhra University Senate in all his poetical works some of which are prescribed as text-books for the University courses of study. Such being the case, I wonder what objection there is for the Government to substitute 'Brahma Sri' for 'M.R.Ry.' in their communications to the members of my community in consonance with the prevailing custom among them. There is a precedent in this respect where the Oriyas were permitted to have the honorific prefix of Sriman and the suffix of Mahasayo added to their names.

"Again, Sir, the word Viswa Brahman is only a Sanskrit term for the words Kammalan, Kamasalin, Thattan and their respective sub-divisions. As the Government have now adopted the Sanskrit form

of Adi-Dravida for Parayan, etc., and Arundhateya for Madiga, etc., it is but proper for them to extend the same courtesy to my community also. I understand that persons of my community holding appointments under Government have classified themselves as non-Brahmans in the civil lists. Further, the late lamented Mr. C. W. E. Cotton, Chief Secretary to Government, said that my community would be treated as a non-Brahman class for purposes of service in a communication to a member of my community in the West Godavari district. Under these circumstances, the hon. the Member for Revenue may not be carried away by the expression 'Viswa Brahman' and say that therefore my community desires to join the Brahmanfold in respect of appointments, for, the word non-Brahman also contains the same expression. As it is the elementary right of every citizen of a civilized Government to call himself in any manner he likes, I urge that what I request for may be granted as a special favour since it is the birth-right of my community. In his reply to my question No. 681 on the general use of the suffix of Acharyulu Garu by the members of my community, the hon. the Member for Revenue observed on the 26th January 1932 that the question was considered in 1914 but it was finally decided that no change was called for, and that the question was not further considered by Government since the 4th August 1931 when a resolution on the subject was moved and lost in the Council. By conceding this my request, it is not known how the Government will lose their prestige.

"I narrated to you, Sir, as shortly as possible, the history of this struggle by the members of my community and pray that hon. gentlemen of the House may judge my demand in these peculiar and special circumstances and render all possible help for the success of this resolution so as to safeguard the honour of my community as the same is a reasonable, fair and justifiable claim.

"It is hoped that at least Provincial Autonomy will be granted in the near future. In proof of the hope that the minorities will not be deprived of their rights in the future governance of the country, I am sure that every hon. Member of the House will support this resolution and help my community in its struggle for self-respect. A similar resolution brought forward by Mr. S. V. Gurumurti Acharyulu was recently adopted by the Mysore Representative Assembly and the Mysore Government accepted the same and issued orders accordingly. There can be nothing more unjust than the hon. Members in the Reserved half upholding G.O. No. 659, Home (Miscellaneous), dated the 26th May 1913, passed at the instance of Sir P. Sivaswami Ayyar influenced by the inimical feelings existing between the members of my community and those of the favoured class. I am glad to convey the gratitude of my community to the Ministry for their having substituted the word Viswa Brahman for Kammalan, Kamasalin and Thattan in the Educational Rules, but I am sorry to say that in the

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lists prepared by Government for services this has not been done till now. It is lamentable that the Government should not pay heed to the constitutional agitation of my community protesting against the invidious method of recording its name in Government records as Kammalan, Kamasalin and Thattan with the suffix of 'Asari' against the names of the members thereof, instead of Viswa Brahman and with the form of suffix of Acharyar Avargal and Acharyulu Garu according to the Tamil and Telugu distinctions, despite the fact that it is a very small affair.

"I am not asking for anything new in this resolution. The following may be noted from the annual report of the Archæological Department, Southern Circle, Madras, for 1920-21, at page 1932:—

'Mr. Krishna Sastri states that the name Acharlu (with the honorific plural termination) given to the sculptors in these records shows clearly the great veneration in which they were held at that time. The term Asari used to-day as an attributive of the artisan class is due to the defective Tamil pronunciation of the Sanskrit word Acharya. It shows that the 'dignity' of labour' was better appreciated in those early times than it is in India to-day.'

"As such it is a wonder how what is said to be a defective pronunciation in Tamil should be carried in English and other vernaculars and made a general appellation. Can any hon. Member say that such a word as Asari exists either in Telugu, Kanarese or Sanskrit?"

"G. S. Ghurye, PH.D. (Cantab), in his Caste and Race in India (1932), at page 167, says as follows:—

'One Brahman Member of the Government of Madras during Lord Pentland's tenure issued in order that the Viswakarmans—handicraftsmen—must not suffix the word 'Achari' to their names but they must use the word 'Asari.' The said association memorialized to the Governor, as the word 'Asari' carried some odium, which they described as a stab in the dark. Not being able to move the Government to cancel the order they sent a petition to the Secretary of State. (Vide the *Times of India*, Bombay, 25th October 1924.)'

"I would, in conclusion, request the hon. the Member for Revenue to be pleased to issue immediate instructions to the officers making entries in Government records that they should except in cases where a desire is definitely expressed in writing otherwise enter the name of my community as Viswa Brahmans, instead of Kammalan, Kamasalin, and Thattan with the suffix of Acharyar Avargal or Acharyulu Garu added to the names of the members thereof according to the Tamil and Telugu distinction and while addressing them, adopt the honorific prefix 'Brahma Sri' according to the prevailing custom among them instead of 'M.R.Ry.' and by doing so win the everlasting gratitude of a loyal and law-abiding section of His Majesty's subjects. As the previous resolution is considerably modified in this resolution I hope he will comply with the long-standing desire of my community.

"With these words I move this resolution for the acceptance of the House."

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Mr. V. P. NARAYANAN NAMBIYAR:—" Mr. President, Sir, I secon the resolution which has been so ably moved by my hon. Friend Mr Ramamurti. I have nothing more to add to the convincing argument that have been advanced by Pandit Ramamurti."

Mr. DANIEL THOMAS:—" Mr. President, Sir, I have very grea pleasure in supporting the resolution which has been so ably moved b my hon. Friend, Mr. Ramamurti. If ever a cause deserves success b reason of the indomitable perseverance of the protagonists of a measure it is this and it deserves complete success. After all, in spite of th various difficulties and obstacles, in spite of the apathy, in spite of eve ridicule, my hon. Friend, in season and out of season, has been pressin this resolution upon this Council. I believe, Sir, this resolution does no require any financial resources or expenditure on the part of the Gov ernment. Probably, the times are such when any resolution, whic involves extra expenditure, would be strenuously opposed by the Govern ment. But this resolution does not cost anything extra to Government except probably some additional labour. These are days when peopl are given the respect that they claim. If a community by reason of it self-respect desires to be called or styled in a particular manner, believe there should be no objection on the part of the others to acced to its request. I believe my hon. Friend. Mr. Ramamurti, in movin this resolution expressed the general wish of his community through out the Province and that his representative character deserves ou consideration and therefore we are bound to support the resolutio so ably and so earnestly moved by my hon. Friend."

* Rao Bahadur C. NATESA MUDALIYAR:—" Mr. President, Sir, congratulate my hon. Friend, Pandit Ganala Brahmasri Acharyul *Garu, for having so exhaustively and so clearly espoused the caus* of his community. Sir, it is not a question of to-day. It is a questio of 40 years and more. In fact, these Kammalans, Kamsalis an *Thattans are the names of those people* who are *following certai* avocations. The real social suffix for them is Acharyas. It is for tha purpose, the Madras Corporation changed the word 'Asari' int 'Achariyar' long before, say even ten years ago. Even in thi Council, in season and out of season, questions were put and answer were given and they were shelved most probably. When Mr. Muthu manikka Achari was here, it was he that moved the resolution tha 'Asari' should be changed into 'Achari.' Then the Governmen agreed to consider the resolution; most probably they did not conside it afterwards. If it had been accepted, by this time they should hav been called 'Achariyars.' Hindus are all worshippers of images mad by them and when images are worshipped, the images' eyes shoul be opened by the Acharis. So, they claim superiority to Brahmans call themselves as Viswa Brahmans. That is why they say, the are Achariyas. This struggle has been in existence for generations.

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"Now, Sir, this Legislative Council consists of all communities and we are concerned, especially with the backward communities. If one backward community wants to establish its right, we are bound to support it. I am not, in fact, for titles. But the hon. Mover argued that if all the communities that are having suffixes were to give up those titles, then surely Viswa Brahmans and others also would be prepared to give up their suffixes. In that view, I am very glad to support his resolution. Other communities also support this resolution. So, this resolution should be passed unanimously, even including the Government side. I am glad what others have not been able to achieve in this Council during the last 15 years, Pandit Ramamurti is achieving to-day."

* Rao Sahib N. SIVA RAJ:—"Mr. President, I have very great pleasure in supporting the resolution which has been so ably moved by my hon. Friend, Mr. Ramamurti. Sir, if what my hon. Friend, Dr. Natesa Mudaliyar, has stated is true, I believe that that community deserves every respect, as its profession is one which creates idols and therefore they are the greatest creators. I also associate myself with the feelings expressed by the hon. Mover and I support the resolution."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, the hon. Mover of the resolution has undoubtedly been working for some years past for the benefit of his community. In the speech which he has made to-day he has made certain accusations against the Government, which are not justifiable. In the first place, he has accused me of being discourteous in the debate last year. That is a charge which I feel very much personally as I am always anxious to be courteous to the Members of this House. I have examined my speech on that occasion two or three times, but I must confess, I am unable to find any discourtesy in it. I pointed out in the first place that the first part of the resolution has already been complied with by the Government, as the Government issued orders in 1921 in accordance with the first part of the resolution. I pointed out further that the Government have ordered that where a person designates himself as belonging to a particular caste or community, that shall be recorded as his caste or community in the Government records.

"Then, Sir, further down in his speech, he accused the Government officials of inhuman, barbarous and outrageous conduct. I think Sir, the language is too strong to designate the conduct of Government officials in not using the honorific prefix of M.R.Ry. in certain cases.

"Now, Sir, coming to the resolution itself, I can only repeat what I stated on the last occasion, that the Government had already directed that the suffix 'Achari' should be used instead of 'Asari.' At first, I had no intention of dealing with the question at great length on this occasion, but as the hon. Mover of the resolution has stated that the Government Order of 1913, to which he took exception, was passed at

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the instance of Sir Sivaswami Ayyar, I have examined the papers connected with that Government Order and nowhere can I find the name of Sir Sivaswami Ayyar. The circumstances under which that order was passed were as follow: 'In 1909, the Government appointed a committee, with Dr. Thurston as President, and the Tamil and Telugu Translators to Government and the Assistant Archæological Superintendent for Epigraphy as members, to determine, as far as possible, the correct vernacular forms of Indian personal names, to represent that form in English in accordance with the system of transliteration prescribed by the Government of India and to arrange the English names thus translated in an index form. Mr. Thurston had retired from service before the committee could sit and Mr. Moscardi was appointed in his stead as chairman of the committee. That committee reported in 1910 and in the course of their report, they stated: "As the name Achari is used by Vaishnava Brahmans and also by artisans as a generic name, we have found it convenient to spell it differently in the two cases. We have retained the Sanskritic form 'Achari' for the Brahman name and used the Tamil form 'Asari' for the names of non-Brahmans." The list, as finally approved by the Government, was issued in G.O. No. 659, Public Department, dated 26th May 1913, to which the hon. Member has referred and which he considers erroneously was passed at the instance of Sir Sivaswami Ayyar.

"I come now to the order of 1921. This order modifies the Government Order to which I have just referred and at the head of this Government Order of 1921, the Government Order of May 1913 is quoted, so as to make it perfectly clear that the Order of 1921 does modify the Order of 1913. This Order of 1921 I read to the House in August last year and with your permission, Sir, I will read it again:

'At some conference held by the Viswakarma community of South India, resolutions were passed requesting the Government to issue instructions directing the use of the suffix of 'Achari' instead of 'Asari' after the names of persons belonging to their community. A resolution was also moved in the Legislative Council at its sitting on the 14th October 1921 on the subject, and an assurance was given that if in communications to Government any person subscribed his name with a particular spelling the Government would address him in the same spelling. In accordance with the undertaking given at the Council, the Government desire that if any person in addressing the Government or any of their officers designates himself or spells his name in a particular way, he should in any communications to him be addressed by the same designation and spelling. To this extent, the orders in G.O. No. 659, Public, dated 26th May 1913, will be modified.'

"I submit, Sir, it is hardly possible to make the Government Order any clearer than that. It shows clearly that the Order of 1913 to which the hon. the Mover takes objection was modified in 1921. That the Order was so understood at the time is confirmed by the statement of my hon. Friend, Dr. Natesa Mudaliyar, that the Corporation had changed the word 'Asari' into 'Achari' some ten years ago. So, Sir, I submit that the first part of the resolution has already been complied with.

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"Then, Sir, as regards the second part of the resolution relating the use of honorific prefix 'Brahmasri,' it is rather difficult for the overnment to go further than they have already done. If we accept his resolution, we may have similar requests from a large number of ther sects. At present, we have laid down how Europeans, Hindus nd Muhammadans are to be addressed and there are three principal ethods of addressing persons of these communities.

"And as regards the Hindus, it is usual unless the addressee is ntitled to a higher title such as 'Raja' or 'Sir' to use the prefix 12-15 p.m. Maharajaraja Sri' which, I believe is regarded as an honourable refix. So, Sir, I am afraid I cannot accept the whole of the resolu- ion as it stands. But I trust I have made it clear that a large part of he hon. Mover's speech was based upon a misapprehension. If, in any ase, the Orders of 1921 are not carried out, I shall be very glad if the on. Member would draw my attention to it or will inform the district fficials concerned who will enquire into the matter and see that the Order is carried out."

* Mr. Yakub Hasan:—"Mr. President, Sir, the hon. Sir Archi- ald Campbell stated that the first part of the resolution has been com- lied with by the Government, but I do not think it has been fully com- lied with. He said that when any person addresses Government, they would adopt in their reply the spelling adopted by that person. But hat is not what is wanted. They must adopt one uniform spelling for he community. I do not see what is the difficulty for the Government to accept it, and in every case to use the word 'Achari' irrespective of the fact whether the person who addresses them uses the word 'Achari' or 'Asari.' If the Government have occasion to address a man from whom they received no communication, what will be the title they will adopt? Will they put a question to him as to whether he wants to be addressed as 'Achari' or 'Asari' and address him accordingly? It is I think not at all good form to use two words for the same community, sometimes calling the persons 'Achari' and sometimes 'Asari.' As for the suffixes, I think the Government can accept them. I do not see any difficulty whatever why the Government should not accept this resolution in full."

The resolution was then put and carried.

(3) APPOINTMENT OF A COMMITTEE TO ENQUIRE INTO THE ALLEGED ATROCITIES COMMITTED ON THE DEPRESSED CLASSES OF THE RAMNAD DISTRICT.

* Rao Sahib V. I. Muniswami Pillai:—"Mr. President, Sir, under Standing Order No. 55 (3) I request permission to move the resolution standing in the name of Swami A. S. Sahajanandam."

The permission was granted by the House.

Rao Sahib V. I. MUNISWAMI PILLAI :—" Mr. President, Sir, I beg to move that

> '*this Council recommends to the Government to appoint a committee of both officials and non-officials, not exceeding five in number, to enquire into and report on the alleged atrocities committed by the Nattars of Devakottai subdivision of the Ramnad district on the Depressed Classes in June and July* 1932.'

" Sir, the matter of the atrocities committed on the depressed classes in Devakottai has been before this Council during the last 18 months. It was in August 1931 that a similar resolution was passed by an overwhelming majority by this Council, to appoint a committee to thoroughly investigate into the various disabilities caused to the depressed classes in Ramnad district. Unfortunately the Government did not take sufficient steps to mitigate the grievances, or appoint a committee to thoroughly go into the matter. The trouble again occurred in the month of June 1932 and also in the month of July 1932. I was about to move an adjournment motion in the last Council but the hon. the Home Member dissuaded me and promised that he would take all the necessary steps to mitigate the sufferings of these people. Consequently he was kind enough to convene a small conference including a few members of the depressed classes of this Council, the Labour Commissioner, the Inspector-General of Police and the Chief Secretary, when it was possible for us to exchange views in regard to the matters in Devakottai. At that time the hon. the Home Member agreed that myself and Mr. Daniel Thomas might visit the affected areas and inform the Government of specific instances of atrocities committed on the depressed classes. With due deference to their wishes, myself, Mr. Daniel Thomas and Mr. Devadasan went round the Devakottai division, made several enquiries and submitted a big report consisting of nearly 40 pages. Unfortunately the Government had not the courtesy even to acknowledge the receipt of the report brought out by us at a great expense and at much personal inconvenience. Sir, to-day I have seen a very long letter from the President of the Ramnad District Adi-Dravida Association wherein he clearly says that the matter is still worse and has not improved even after the visit of the Labour Commissioner. Sir, the atrocities and the dacoities actually took place on the 5th July 1932 and I understood the Labour Commissioner visited the spot only in the month of September. From that yon can understand how much he will be able to gather of the real happenings.

" Sir, the necessity for a committee is this. At present the Labour Department is manned by one of the senior members of the Board of Revenue and I think he has not enough time and leisure to do justice to the work of the Labour Department. In a letter, the

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President of the Ramnad District Adi-Dravida Association has written to me he says:

'I regret to inform you that matters are growing serious in these parts and the Kallars are still going on terrorizing and collecting fines and also robbing the cattle of the people who do not pay the fines inflicted. The complaints of the depressed classes are not in many cases entertained, and even if entertained everything ends in smoke. . . Therefore kindly take the necessary pains to see most of the sympathetic members of other communities and also our representatives and see that the motion of Swami Sahajanandam is passed and a committee of un-official members is appointed to investigate the whole affair. I know the Government have no regard either for the interests of the depressed classes or for their representatives. If a thing of this kind had happened to any other community, by this time the whole Government should have to do their duty.

"And further he goes on to say:

'The Joint Magistrate called the depressed classes and warned them to obey the communal orders of the Kallars. The depressed classes refused to obey the orders of the Kallars. Since then the Kallars began to seriously terrorize the depressed classes and the lives of their leaders were threatened openly, and they also openly declared that they would loot their villages by the end of June 1932.'

"So, Sir, I think the time has come when a committee as suggested in the resolution is essential. The Government officials go there and they have to confer with the district authorities. Within the short space of time given to them it is not possible for them to find out the real state of affairs. Myself, my hon. Friend, Mr. Daniel Thomas and my hon. Friend, Mr. Devadasan were there. We went to village after village and we consulted non-depressed gentlemen at Sivaganga and also at Ramnad, and found that the position of the depressed classes was so very serious that it is high time for the Government to do something. I know many people have left their villages and are wandering in the districts practically begging. I went to a village known as Amavaravatipatti where there were a few refugees. When we asked the real state of affairs, they would not come out, fearing that they would be further terrorized by the Kallars. After a lot of persuasion they came and gave us the real state of affairs: There are people owning lands in that particular division; they could not cultivate their lands on account of the oppression of the Nattars. I do not know how the Government are going to collect their annual kists. As it is a matter that has been before the Council for a very long time I earnestly appeal to the hon. the Home Member to accept the resolution and proceed to appoint a committee to thoroughly investigate into the matter. Oherwise I am afraid the Kallars will wipe off the Adi-Dravidas from that Devakottai division. In these circumstances, I commend this resolution for the acceptance of this House."

Mr. H. M. Jagannatham:—"I second it."

* Mr. M. Devadasan:—"Mr. President, Sir, in supporting this resolution I want to make a few observations. This is not the first time that the treatment of the depressed classes of Ramnad district has come to the notice of this Council. Time after time interpellations have been

put on the subject. At the beginning of last year, i.e., in January 1931, a similar resolution was discussed in this Council. It was accepted unanimously by the whole House but the situation in Ramnad has not improved in the least. People sent in memorials. Not only representations were made to the Members of this Council but also petitions were addressed to His Excellency the Governor, and to His Excellency the Viceroy.'

0 " *But it has to be stated there has been no redress made in the direction* till now. On the 20th August myself, Mr. Daniel Thomas and Mr. Muniswami Pillai all went there to see whether the allegations made by the people were true and had any basis, because the Government officers suspected and doubted the truth of the allegations. So we went personally to investigate them and stopped there for two days and went from place to place and recorded the statements made by the people to us. We came to the conclusion that the report made here fell short of the true state of affairs existing there. On the 5th and 6th July there was a regular and organized looting in Devakottai. It may be said that the report made by the depressed classes is not genuine or that some interested people have set them up to send memorials. That can't be the case. If nothing had taken place there was no necessity for these people to complain. They have been suffering untold tyranny at the hands of the Kallars *of Ramnad. Villages had been deserted and the people had to seek* refuge in other places. Even when the people desert the villages and live elsewhere they are not safe in the new places. The Kallars who made the people desert their villages pursue them to places of refuge along with the Kallars of the new locality and make them leave the village on pain of further punishment. The statements of the depressed classes were also corroborated by Maravas, who are kindred class of the Kallars. It has been conceded that there are real grievances and they must be redressed without any delay.

" From the enquiry we made we found there was arson in the villages of Unjanai, Eluppukudi, Aramanai, Sinnavayal and Pavanakottai. *When we passed Pavanakottai we found one school which had* been recently destroyed by fire. There had been daylight looting in several places. We recorded statements from several villagers. They made us understand that there was daylight looting in the villages of Unjanai, Simmathoor, Meenavayal, Eluppakudi, Kallivayal, Eluvankottai, Thonnirvayal, Mola Kavananayal, Thimmananayal, Paramakudi, Pahadi, Vijayapuram, Kallangudi, Edayankulam, Moyannagal, Vollivayal, Pirandivayal, Kottavayal, Nachankulam, Chithoor, Ponnathur, Chinthani and Ariankottai. Not only was there daylight looting but also there were murders, assaults and rapes in several villages. I am not going to narrate all these villages where all these atrocities were perpetrated by the Kallars. Apart from that the depressed class members who were not willing

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to obey caste rules were asked to pay fines. If they had not enough money to pay their Nattars, then and there they were forced to execute promissory notes so that they might recover the money from them later on. The reason for all these atrocities was due to the negligence and lack of sense of duty of the officials of the locality. I understand the Police and Magistrates pose as peace-makers and ask the people to abide by the time-honoured caste rules and restrictions. Just now we passed a resolution of Mr. Ganala Ramamurti calling his people as Acharyas, etc. We all concede that people have learnt self-respect; and they want to educate and elevate themselves. They cannot be put up with such degrading conditions which caste imposed upon them in the past. The officials being caste men being imbued with caste ideas they ask the depressed classes to abide by the caste rules. That is they should not have upper clothes; nor should they possess vessels of high value in their houses, etc. We examined some women at Amaravathiputhur. They said that they could not wear ordinary thalis. On the other hand they were forced to wear only wooden thalis by the Kallars. So these humiliations nobody can brook with any dignity. So there has been a revolt as the people have been disgusted with these conditions and the rules and regulations of the Kallars. The officials do not want to help the depressed classes. They are on the side of the Nattars. It appears that they asked the depressed classes to abide by the decisions. These cannot be tolerated any longer. It may be said that the depressed classes being servants, must abide by these humiliations, but the fact is otherwise. The depressed classes of the Ramnad district are more economically independent than the brethren of the other districts. The Kallars inflict ill-treatment upon the depressed classes for no justification whatsoever.

" The hon. the Home Member might advance an argument in support of his position that no enquiry committee should be appointed because it is a matter between two sections of the depressed classes that the Government have taken steps to reclaim the Kallars as belonging to depressed classes. But I have to submit that they do not belong to the depressed classes at all. They occupy the position of overlords and the depressed classes are subjected to their tyranny. The hon. Home Member might say that the solution of the problem is in a compromise. If it had been possible there would have been a compromise long ago. No compromise has ever taken place between the two classes. There must have been willingness and intention on the part of both to enter into a compromise. If we speak of it in the Legislative Council, it must be acceptable to all parties to be operative and useful.

" Mr. Muniswami Pillai has described the recent happenings in the Ramnad district and I do not want to take up much of the time of the

Council by reiterating them. Thus it will be seen there has been suff cient necessity for an independent enquiry to go into the grievances c the depressed classes. I hope the Government would accept the request We want sufficient protection for the poor classes to live in the sam district. It is not in a spirit of retaliation or revenge but in a spiri of supplication for help that this resolution has been brought into thi House. So I appeal to the members of the House to accept the reso lution. I do not want to be a member of the committee. We thre members have made enquiries and submitted our report. We reques that some other members both officials and non-officials should make an investigation into the affairs and see that the claims of the depresse classes are no longer treated with scant courtesy and neglect. With these few words I support the motion."

* Rao Bahadur R. SRINIVASAN:—" Sir, from what I heard from th two previous speakers and from what I saw from the various petition and telegrams received by me, I am convinced that there is sufficien reason to believe that the subordinate police officers and the subordinat civil servants are in league with the Nattars in oppressing the depresse classes. The result is there. As has been said by the last speaker a committee of officials and non-officials will, I believe, be able to find ou the real truth and something may be done to rectify the mistakes."

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " Mr. President, Sir, I do not think any committee is necessary at thi stage because at present there is no trouble. After the 7th July thing have been restored to normal condition. The committee will be only reviving old memories and will bring about bitterness. As the House i aware, when this question came up last time I said that I would ask the Labour Commissioner to tour in the area and report and also convene a conference. There was a conference in my room when the Chief Secretary to Government, the Labour Commissioner, myself and some members of the depressed classes were present. They told us all that they have heard in the matter. Further three hon. Members of this Council Messrs. Muniswami Pillai, Daniel Thomas and Devadasan went to the spot and their report was also sent to the Labour Commissioner. The Labour Commissioner has sent in his report after visiting the area. Therefore there is no necessity for a committee because we have both the non-official and official views. There is no point in appointing a committee.

45 " The Labour Commissioner has recently toured in the parts of Ramnad affected by the Nattar-Adi-Dravida disputes in company with the District Magistrate and the District Superintendent of Police, and I may with your permission, Sir, read the following information based upon the reports submitted to the Government by these officers:

' The origin of the Nattar-Adi-Dravida trouble in Ramnad is to be sought in the desire of the depressed classes of that region to raise in the social scale. Customs are, in fact, changing for which the reason may be that many of the

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depressed classes have been to places such as Ceylon and Burma where the caste restrictions of their native villages do not exist to the same extent. On their return to their villages they wish those restrictions to be removed. But there is the danger that any sudden removal of restrictions may be regarded as an infringement of long-established religious customs.

'The antagonism arising from this movement has of late crytallized over the question of the wearing of shirts by Adi-Dravida men and the wearing of bodices and jewels by their women. The Nattars, while no longer objecting to the practice on all ordinary occasions, demand that the Adi-Dravida men at least should keep the upper part of their bodies uncovered for all ceremonial functions. This practice in the case of women seems to have gone out of use already. The Adi-Dravidas, on the other hand, in their eagerness to assert their position, have on certain occasions appeared at festivals wearing shirts. The Nattars consider their long-established custom not to wear shirts at religious ceremonies is reasonable as they themselves remove their shirts on such occasions.

'This being the position as between the two communities, their differences were aggravated by the action of agitators. Security proceedings were taken in 1931 to prevent a breach of the peace, but the proceedings ultimately failed.

'The immediate cause of the trouble in 1932, was the arrival of a party of American Missionaries with their staff in July 1932. They began an evangelical tour in the course of which, it is reported, they urged the Adi-Dravidas not to submit to the customs enforced by the Nattars. This resulted in the outbreak at Eluvankottai on the night of the 4th July and the following morning, whether, as the Nattars say, it was the Adi-Dravidas who were emboldened by the presence of the Missionaries to start the trouble by throwing stones at he Nattar quarter, or whether, as the Adi-Dravidas say, it was the Nattars who made the first attack on the Adi-Dravidas out of anger at the Missionaries' presence and *preaching*.

'The trouble that followed has been exaggerated. Wild rumours circulated rapidly and something of panic ensued among the inhabitants of the Adi-Dravida quarters in several villages but, with the exception of the village of Eluvankottai, very little actually happened anywhere. Even in the village named very little damage was actually done. The Labour Commissioner at the time of his inspection found that, although the Adi-Dravida quarter of Eluvankottai was *still* abandoned, all the damage that had been done was confined to some cooking pots and bins for storing grain. None of the articles inside the house had been touched and no looting had taken place. Several of the houses were locked up and the locks had been in no way tampered with. The inhabitants of Thennirvayal, another village that had been abandoned, had already returned, having been brought back by the Nattars themselves in two motor buses engaged for the purpose.

'The present position is as follows. Sixteen Nattars have been charged by the police in connexion with the disturbance at Eluvankottai. The District Magistrate has effected a compromise between the two parties whereby the Nattars agree not to insist upon any of the previous customs except the non-wearing of shirts at religious, marriage and funeral functions. The Labour Commissioner has held a conference at Kandadevi at which a large and representative gathering discussed the whole course of the trouble and endorsed the District Magistrate's compromise as being an eminently fair one. The parties to the compromise are agreed that it should be carried out and its terms enforced impartially by the authorities. The question of opening schools for the depressed classes in such places as really need them has been taken up by the Labour Commissioner in consultation with the District Magistrate. Though the bitterness between the parties is not yet entirely assuaged, the Labour Commissioner and the local authorities are agreed that there is no necessity to post additional police to the area. The situation is entirely quiet everywhere and there has been no disturbance since 7th July. The District Superintendent of Police and the police force of the district are alive to the necessity for prompt action at the first sign of a recrudescence of the trouble. The following is the gist of the instructions issued by the District Superintendent of Police.

'The most important work of the local police force is the control of the Nattar-Adi-Dravida disputes. Close touch must be kept with every development and the situation handled with firmness and impartiality. Regular beats must

be served to the affected villages and full details of all information must be reported by the beatmen and by the station house officer and his assistants who must also pay frequent visits to these villages. A proper record must be kept of all incidents connected with the trouble. All cases registered must be fully and promptly investigated. Persons who report false cases must be prosecuted. Security proceedings must be undertaken if the situation requires. Superior officers must be kept constantly and fully informed.'

"Thus, it will be clear that the Police are now keeping watch over the situation. If any trouble recurs, I am sure the offenders will be brought to book. I do not think, in the circumstances, that any committee is necessary at the present moment to reinvestigate the whole matter, especially as after the 7th July nothing has happened. The three hon. Members of this House who went to those places and studied the situation have made their report to the Government, and on that report the District Magistrate, the Labour Commissioner and the District Superintendent of Police have made their own observations and sent in their reports to the Government. An agreement has practically been reached between the Nattars and the Adi-Dravidas, and there has been peace since. What we want is only peace, and it has been secured, and there is no point in raking up the question again.

"Now, coming to the recommendations of the three hon. Members of this House, who made a report after investigating the matter, they are the following:

'(a) Starting of security cases against the Nattars in some of the villages where the lootings were committed.

(b) A more vigorous conduct of the prosecutions relating to offences against the Adi-Dravidas by the Nattars which are now pending in courts. At present they *seem to be dealt with in the most negligent, non-chalant manner possible.*

(c) The posting of punitive Police in some of the affected villages.

(d) The transfer of the present Subdivisional Magistrate of Devakottah and the Circle Inspectors and Sub-Inspectors of Police at Devakottah, and posting in their places strong and sympathetic officers who should make it clear to the Nattars that they would not tolerate the taking of law into their own hands by the Nattars.

(e) The keeping of a watchful and observant eye by the District Magistrate, the District Superintendent of Police, and Deputy Superintendent of Police on those affected areas and on the way in which the local officials deal with the Nattars and Adi-Dravidas.

(f) The opening *of some labour schools in Devakottah division and the encouragement* by or through the Labour Commissioner, of the refugee Adi-Dravidas to return to their homes and villages.'

"As regards these, the Labour Commissioner says:

'As for the requests made by the M.L.Cs. in their letter, dated 27th August 1932, (a) and (b) are matters for the local Magistracy and Police. I have already stated that I consider that no delay should take place in dealing with any case which may arise. This, I think, is essential. As regards (c), the posting of punitive Police, such a course seems to be entirely unnecessary. As regards (d) (viz., transfer of officers) I have no recommendation to make. This is a matter on which the District Magistrate can report better than I can. I think that the advent of Mr. Gadsden and the thoroughness with which he has enquired into the local troubles will ease the situation very considerably. I have already commented on (f) regarding the opening of schools.'

"Now, Sir, I would make this appeal to the House. As I have already said, the whole matter has been closed and somehow or other, things are automatically settling themselves properly. Three hon. Members of

this House went to the spot, studied the situation and submitted a report to the Government, and practically most of their recommendations have been accepted. So there is no point in posting the punitive Police in the area because there is no trouble there, and definite instructions have been issued to the Police to deal with the situation impartially. If any trouble arises, I shall see to it that the offenders are properly dealt with. As I said before, an agreement has been reached and both the parties have agreed to abide by the conditions of that agreement; I do not think there is any point in reopening the case by appointing a committee now. I would therefore appeal to the hon. Member to withdraw his resolution."

Mr. SAMI VENKATACHALAM CHETTI:—"Mr. President, the speeches of the hon. Members who spoke in support of this resolution reveal a very astonishing state of affairs, and indeed my astonishment would have been all the greater had I not myself been acquainted with the petitions made by the Adi-Dravida residents of this district about an year ago. In answer to a very strong case that was made out on the floor of this House, the hon. the Home Member, in his usual tactful manner, managed to see that the resolution was torpedoed by promising to institute an enquiry or hold a conference. As is generally the case with us, we, innocent Members of the Legislative Council, fell into his trap. The result was that there had been a conference no doubt at which the Inspector-General of Police, the Labour Commissioner and three hon. Members representing the depressed classes were present. After that conference, Messrs. Thomas and Muniswami Pillai were asked to tour in those parts of the district where there was trouble and to collect information. Of course, even without the permission of the hon. the Home Member, I suppose those hon. Members have the liberty to tour in those places and find out the facts for themselves. All the same, they went and collected information and submitted a report to the hon. the Home Member. What was the reply given to that report? The hon. the Home Member did not consider it necessary to give a reply to those hon. gentlemen who have taken the trouble of going into the district and finding facts for themselves . . ."

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"May I offer a personal explanation, Sir? I think I informed one of the signatories that I had seen the report and that it had been forwarded to the Labour Commissioner for investigation."

Mr. SAMI VENKATACHALAM CHETTI:—"In fact, Sir, one of the hon. Members who sent up that report did complain in a speech that they were denied even the courtesy of a reply in acknowledgment of that report. Whatever that may be, I am glad that the hon. the Home Member sent up the memorandum to the officers concerned. Then, the Labour Commissioner sent up a report. What does that report reveal? The report practically confirms the charges made against the Nattar community in that district. As a matter of fact, it goes further than the allegations made by the hon. Members of this Council and traces

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the *origin* of those tyrannical acts of that community to the fact that the Adi-Dravidas wanted to raise themselves in the social scale, and that this was being objected to by the Nattar community. Well, Sir, the case having been put so clearly, it ought to have attracted the attention of the Government, and the Government ought to have gone to the support of that community which wanted to raise themselves in the social scale.

"Instead of doing that, the Government merely reads a report of the Labour Commissioner before the House. Further down in that 'eport, the Labour Commissioner, probably feeling that the Govern-nent are not in a mood to go against the feelings and opinions of the Nattar community, suggests a sort of compromise to these two com-nunities. Supposing, for instance, I ask the hon. the Home Member ereafter to tie turban instead of wearing a fez cap, and subject himself o the imposition of the Hindu community, the majority community, n the matter of wearing certain kinds of dress on certain occasions, will that be a matter for compromise? What is the criminal act which he depressed classes have committed by wearing shirts either on reli-gious occasions or any other occasion? Is there any ban in the .ndian Penal Code against a person wearing a shirt on certain occasions and is it for the Nattar community to dictate to the depressed classes hat these people should not wear certain dress in a certain fashion on 'ertain occasions? If the Labour Commissioner had made a compromise, am sure he did not do it realizing that the Nattar community was ust, but because he knew that the Government would not come to is help if he had suggested more drastic action against the Nattar ommunity. All this shows that the Government are afraid of a power-ul community in that district. Why should Government betray such voeful weakness before this community? Are this the Government, I sk, that are going to facilitate temple-entry for the depressed classes—a Government which cannot stand by the rights of the depressed classes ven in such elementary matters as the wearing of certain kind of dress n certain occasions? What is the good of reading that report? It is compromise saying that so long as the depressed classes agree not to vear *shirts*, so long as *the* depressed class women do not put on bodices, he Nattar community will not tyrannize over them. Is that a com-promise dictated by the Labour Commissioner and approved with the eal of this Government? The Adi-Dravidas themselves might have urrendered to the Government; they might have said 'We obey your mandate, why trouble us?' You have given everything that the Nattar ommunity wanted and you say it is a compromise. What can be more nsulting than this? You do not express a single word of sympathy for he people who were driven out of their homes and villages. The Gov-rnment view with indifference the acts of the Nattars in depriving the oor people of their hearth and home.

"The hon. the Home Member goes further and says 'There is no ooting, no property was lost, but only the pots were broken.' May

I know what other property these poor people had? You demolish their kitchen and deprive them of their cottages and say ' Well, nothing has been lost.' Well, Sir, this kind of appeal on behalf of the depressed classes who want to assert their elementary rights, the fundamental rights as citizens, ought to receive more encouragement and support from the Government. It seems there has been a woeful betrayal of the cause of the weak and the poor as against the rich and powerful. The Nattar community is a very rich and influential community. Therefore Government cannot move their hand against them. That kind of attitude ought to be put an end to. For very much smaller offences you threaten people with stationing punitive police. If there is any case deserving of the stationing of punitive police, it is this, when one *community drives out another community from their residence.* Can a more serious offence be imagined, Sir, to justify the stationing of punitive police? I want the Government to make the Nattars understand that the Government are not going to desert these depressed classes against their tyrannies but that they are going to stand for the rights of the depressed classes as against the Nattars. I want the Government to tell the local officials to be more firm in their attitude and not yield to the intimidation of any powerful community. But the local officials cannot be expected to be more courageous than the Government. If Government show such timid attitude, what can the local Inspector or Sub-Inspector do? After all, they have got to be guided by the local feeling. The local feeling consists of the Nattar feeling. Surely a small force cannot be expected to do much unless they know that the Government at the centre are likely to give their support. Let that assurance be given by the Government to the local officials, namely, that Government will not tolerate this kind of tyranny, and all will be well."

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" As regards the assurance required by my hon. Friend, I will say this that the Government will not hesitate to take any extreme step to put down such things—to station the punitive police, if necessary."

* Rao Sahib V. I. MUNISWAMI PILLAI:—" I have to thank the hon. the Home Member for his reading to the House from a big report. Most of the information contained therein was placed before us when we met in a small conference. There was one point touching the interference of the missionaries and consequent trouble. When we were there, we approached most of these missionaries and others connected with the matter, and came to the conclusion that it was not so. It is *not the interference of the missionaries* at all that brought about this state of things.

" It is said that the Labour Commissioner visited Eluvankottai but found the village deserted, most of the houses locked up and personal things of the depressed classes looted. That shows very clearly that the state of affairs has not improved. I have also mentioned that I have received a letter from Ramnad in which the writer says ' I beseech

in the name of the poor people to do your best to see the committee appointed.' I think the hon. the Home Member fears that appointing a committee would cost a good deal. The other day, the Finance Committee was told that there is a saving of Rs. 50 lakhs which can be utilized for several purposes. So, in the interests of the depressed classes, I appeal to the hon. the Home Member to accept this resolution and get up a small committee to go through the reports presented by the non-officials and officials and see how far they could strive to bring about a solution of this problem. The hon. the Home Member has read just now a report about the situation in Ramnad. If my hon. Friend were to go to Ramnad to-day he will find that the depressed classes are in a most pitiable condition. I have never seen of such *pitiable sights in all my experience of depressed classes telling women* were raped, and the men were waylaid and assasinated by Kallars. I do not think that any man could remain unmoved by such sights. I have heard women coming and telling the way they were treated. In all earnestness therefore, through you, Mr. President, I appeal to the House to accept this resolution."

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" Mr. President, Sir, after the assurance that I have given to my hon. Friend, Mr. Sami Venkatachalam Chetti, I do not think that there is any necessity at all for pressing this motion. I have also read to the House the instructions issued to the police, and the police are on the watch. If again there is trouble there, the Government will not hesitate to take extreme measures to maintain law and order."

Rao Sahib V. I. MUNISWAMI PILLAI:—" I press the motion, Sir."

The resolution was put and declared lost.

A poll was demanded and the House divided thus:—

Ayes.

1. Mrs. K. Alamelumangathayaramma.
2. Mr. M. Devadasan.
3. Rao Sahib N. Siva Raj.
4. Mr. M. S. Sreshta.
5. ,, P. C. Moses.
6. ,, P. V. Rajagopala Pillai.
7. ,, V. G. Vasudeva Pillai.
8. ,, C. Indriah.
9. ,, P. Bayappa Reddi.
10. Rao Sahib V. Dharmalingam Pillai.
11. Mr. J. A. Davis.
12. ,, Daniel Thomas.
13. ,, H. B. Ari Gowder.
14. ,, S. A. A. Annamalai Chettiyar.
15. ,, D. V. Narasimhaswami.
16. Pandit Ganala Ramamurti.
17. Mr. K. Kesava Ramamurti Nayudu.
18. Sriman M. G. Patnaik Mahasayo.
19. Dr. P. Subbarayan.
20. Mr. Yakub Hasan.
21. Rao Bahadur T. A. Ramalingam Chettiyar.
22. Mr. Sami Venkatachalam Chetti.
23. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
24. Mr. V. P. Narayanan Nambiyar.
25. ,, Abdul Hameed Khan.
26. ,, K. M. Duraiswami Reddiyar.
27. Pattagar of Palayakottai.
28. Mr. A. Ranganatha Mudaliyar.
29. ,, C. R. Parthasarathi Ayyangar.
30. Rai Sahib C. Kolanda Reddi.
31. Rao Bahadur C. Natesa Mudaliyar.
32. Diwan Bahadur S. Ellappa Chettiyar.
33. Rao Sahib D. Krishnamurti.
34. Mr. G. Sriramulu.
35. ,, H. M. Jagannatham.
36. Rao Bahadur R. Srinivasan.
37. Mr. G. R. Premayya.
38. S. M. K. Beyabani Sahib Bahadur.
39. Mr. C. Krishnan.
40. ,, Mahboob Ali Baig.
41. Rao Sahib C. Jayaram Nayudu.
42. ,, V. I. Muniswami Pillai.

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Noes.

1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur.
2. „ Sir Archibald Campbell.
3. „ Mr. H. G. Stokes.
4. „ Diwan Bahadur S. Kumaraswami Reddiyar.
5. The hon. Mr. P. T. Rajan.
6. „ Diwan Bahadur B. Muniswami Nayudu.
7. Mr. C. E. Jones.
8. „ J. A. Thorne.
9. „ H. M. Hood.
10. „ R. Madanagopal Nayudu.
11. Mr. S. H. Slater.
12. „ T. Sundara Rao Nayudu.
13. Khan Sahib Syed Taj-ud-din Sahib Bahadur.
14. Subadar-Major S. A. Nanjappa Bahadur.
15. Mr. B. P. Sesha Reddi.
16. Raja of Bobbili.
17. Zamindar of Mirzapuram.
18. Mr. M. A. Muthiah Chettiyar.
19. „ A. V. Bhanoji Rao.
20. Rao Sahib P. Subrahmanyam Chetti.
21. Zamindar of Kirlampudi.
22. Mr. R. Foulkes.

Ayes 42. *Noes* 22.

The resolution was carried.

(4) TEMPLE ENTRY FOR DEPRESSED CLASSES.

* Dr. P. SUBBARAYAN:—" Mr. President, I now rise to move the following resolution:

'*This Council recommends to the Government that they may be pleased—*

(1) *to recognize the strong and growing public feeling in the Hindu community that disabilities hitherto imposed by usage on certain classes of the community in regard to social intercourse and common worship at temples should be removed and justice rendered to them,*

(2) *to take advantage of the great impetus given in this respect by the settlement arrived at, at Poona among the leaders of the communities and the consequent agitation in the country that places of public worship should be thrown open to the so-called Depressed Classes, and*

(3) *to bring up legislation setting at rest and removing, if necessary, the doubts and disabilities which trustees and other persons holding authority in the administration of Hindu temples feel in regard to throwing them open to the said classes, with necessary safeguards for the making of regulations for maintaining order and cleanliness in temples and also the performance of ceremonies according to the usage of the temples.*'

" Mr. President, this resolution is not being brought forward by me as a mere pious wish to admit our depressed brethren into temples. If this resolution is accepted by the House, I mean to go on with legislation in this respect also, if the Government do not seem to do it. Because, Sir, I do feel that the time has come when we must recognize

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the growing public feeling in this country and also we must recogniz the sentiment of our depressed brethren. We cry hoarse about nation alism and nationality. I would like to ask hon. Gentlemen sitting or the other side as well as my hon. Friends on this side of the Hous whether this cry is going to be only of nationalism for ourselves, so tha we, the higher castes, may dominate this country, or is it going to b a common nationalism by which we are all going to be one with the growing sentiment of our depressed brethren that their place in the Hindu community should be recognized? I do not think we can get awa from the fact that in spite of all that has been done during the las half a century by reformers in this country, we, caste-Hindus, have no done our duty to our depressed brethren (Hear, hear). I really admir our depressed brethren for having accepted the Poona Pact. I think they did it in order to save the life of one of the greatest of our country-men, and for that we, caste-Hindus, owe them a deep debt of gratitude. And if we are really going to pay back that deep debt, I feel we can only do it by recognizing their right to be classed among the Hindus. It is really strange that, in spite of domination for centuries, our depressed brethren have chosen to call themselves Hindus, and have remained in the Hindu community. It shows the sentiment that runs among them and it shows the strong root that the Hindu religion has in their minds. Therefore, in return for such strong feelings on their part, I feel it is up to us caste-Hindus, to satisfy their sentiment to worship at the shrine—the same right that other Hindus possess. I have had the good fortune to work in connexion with this, and I can assure hon. Members of this House that there is really a strong public feeling in this regard; but there are few orthodox people in this land who want to oppose this and we have even heard it said, Mr. President, both on the platform and in the Press that 'we would rather not have democracy than have our temples sacrileged by the entry of these depressed classes.' That only shows that these orthodox people are afraid of the coming of democracy, because they feel that with the coming of democracy their entrenched positions are bound to disappear. I think that is the strongest argument for democracy—that these people want to tyrannize over these castes, is really the strongest argument for Self-Government in this country.

"Mr. President, we have heard it said that the Agamas do not provide for the entry of these classes into the temples. I am myself not well acquainted with Sanskrit, but I have had them read out to me by people who understand Sanskrit. (Mr. Sami Venkatachalam Chetti: Thank God)—by people like my friend behind who, I hope, will thank God and ask God to see that their opinions are changed. (Laughter.) The word used in the Agamas, Mr. President, is 'chandala.' Anyone may be a chandala in the sense in which it is used in the Sanskrit text. In the Sanskrit text, the word 'Panchama' is never used at all. Therefore, what the Agamas provide for is the non-entry of unclean people entering temples. That is what I understand by the word 'chandala.' Therefore, Mr. President, the Agamas do not—whatever may be the opinion of the orthodox people—provide for Panchamas not

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entering temples. They only provide that people belonging to all communities who are unclean, who do not go into the shrine with the purity of mind that is necessary, should not enter the temples. In other words, what is provided for is not non-entry by Panchamas, but non-entry by people who are not of clean habits. I think my friend Mr. T. C. Srinivasa Ayyangar will be able to tell us that, in the Madura temples, Europeans and Muhammadans and certain others have been allowed to a certain extent. I cannot say why our depressed brethren who call themselves Hindus and who follow the Hindu religion should not have the right to enter the temples.

" I would like to ask my hon. Friend, the Chief Minister, who is really in charge of the portfolio of Religious Endowments—because the objection that is put forward by the trustees whom I have consulted over this matter is that section 40 of the Hindu Religious Endowments Act provides that if custom and usage as understood generally is violated, the trustee may be removed from office—why he should not take up this matter. The trustees tell us that with all the goodwill they possess and with all idea of allowing such entry by the depressed brethren, they dare not do it, because this section 40 stands in their way. I would therefore like to ask the hon. the Minister who is also the Leader of the Justice Party, why he, as the leader of a democratic party in this country that has stood for justice and equality for all communities, should not bring legislation with a view to get rid of this section 40 of the Hindu Religious Endowments Act and give permission to our depressed brethren to enter temples, so that it may be made possible for trustees not to quote section 40 of the Endowments Act against such entry. There is no doubt, Mr. Président, that there is a great impetus in this country given to this movement of having our depressed brethren admitted into temples. People like Mr. Kelappan have been prepared to lay down their lives in this cause. I am sure our depressed brethren will understand that there are caste-Hindus who are prepared even to lay down their lives in order to get for them this right. It is therefore necessary that we, caste-Hindus in this House, should unanimously support this resolution, so that the right of these classes to be recognized as Hindus in all respects and not merely for counting of numbers in order to make the proportion of the Hindu community large, may be accepted by all. (Mr. Hameed Khan: ' Hear, hear '.) I hear my friend, Mr. Hameed Khan, crying ' Hear, hear.' I am not now really thinking of Hindu and Muslim in this connexion. What I am thinking of is that Hindus who claim to be the largest majority in this country, if they want to count among that majority the depressed brethren, they should give them all the rights that belong to the Hindus. Otherwise, I think it is time that they excluded them from the counting which they make in order to prove to the world at large the largeness of the Hindu community. Such a step will go a long way towards the unification of the Hindu community. The Hindu community, as has been objected to by our Muslim brethren, is really divided into many castes and there exist many social evils, and it is time that we tried to improve our posi-

tion by getting rid of ancient customs. I do not think even the Agamas ought to stand in the way of getting rid of customs which public opinion has begun to feel are out-of-date, and therefore facilities ought to be given for removing such pernicious customs.

"It has been asked by many of my friends whether it is necessary to have legislation passed in order to do this. I have already quoted section 40 of the Hindu Religious Endowments Act. Besides, the general law of the land about custom would apply unless the legislature is going to take away the force of custom by passing legislation to the effect that these classes have a right of entry into temples as Hindus. It is also necessary, as I said before, Mr. President, that doubts in the minds of trustees should be removed in order to allow this being done. I know there is fear among the orthodox community that this legislation may be rushed through. I may assure them that if sanction is given to this resolution, I am prepared to circulate any bill that I may prepare for public opinion. But I want it to be understood that we must have the right to introduce this legislation. If such a feeling is expressed by this House on this resolution, it would facilitate the Government giving sanction for such a measure. Otherwise, the Government may feel that the passing of such a measure would lead to disorder. If, however, they now begin to learn that the majority of this House is in favour of such legislation, I am sure the Government themselves will think twice before turning down any legislation of the kind.

"Let not hon. Members run away with the idea that the moment this resolution is passed, people are going to lead members of the depressed classes into the temples. That is not the underlying idea of this resolution; the idea lying behind it is that we should create public opinion in order to bring this about, that that public opinion ought to be created as quickly as possible, and every effort ought to be made by people interested in the Poona Pact and the uplift of our depressed brethren to bring about this result. Let not hon. Members also run away with the idea that there is any intention of coercion behind this resolution. We do not want to use any coercion; we do not want to do anything which will militate against law and order. On the other hand, it is the intention of the sponsors of this resolution to see that public opinion is quickly created in favour of the entry of these classes into temples and when such opinion is ready, there may not be obstacles put in the way of the trustees who are willing to carry out that opinion by allowing these communities into the temples. I would therefore urge this resolution for the serious consideration of hon. Members of this House and I would like to have this resolution passed unanimously, if unanimity could be obtained."

After Lunch (2-30 p.m.)

* Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I beg to second the motion before the House. It is unnecessary for me to speak

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about the rationale of the resolution that is brought before you. It seems to me that it is unreasonable to call a man a Hindu and then say that he is not entitled to go and worship God, the worship of which is supposed to give him his religion. It is most unfortunate that we, in this country, have been developing—I do not know for how long—it may be for centuries—the system of gradation of race and caste in everything. In almost everything we have got the system of caste which has been ruling for centuries and putting things on the basis of this gradation which even those who live in this country and under this very system of caste could not easily understand. It is very unfortunate that these depressed classes should have been treated in the way they have been. I am one of those who think that it is important that their position ought to be very much improved economically and educationally rather than by providing them this liberty of going into the temples. Entry into temples is not after all going to count very much in their progress but at the same time it will serve to show that we do not treat them differently from ourselves and that we are trying to put them on a basis of equality with ourselves. It also makes reparation for the way in which we have been dealing with them for the past so many years and shows that we are not going to perpetuate these differences any more. It is only to that extent that the motion brought before the Council and the legislation that may be brought later after this resolution is passed, will serve the purpose. I for one think that we ought to move very wholeheartedly in improving them both economically and educationally. If they are backward at the present moment it is because we are keeping them down as serfs and as people attached to the lands and passing with the land. We do not allow them to keep very much money and we do not enable them to live as they should. It is absolutely necessary that we should give them a chance and for this it is necessary that both the Government and the people should co-operate to put them in a proper position.

" For instance we have been hearing so much about the allotment of sites for the depressed classes. But what happens actually in practice is that very few people get these sites and fewer still are those who are able to bring into cultivation the land that is given to them. Not only should we be prepared to give them the land, but we should also give them the necessary money for bringing such lands into cultivation, and also for maintaining them until they realize the first year's crop. The allotment of site alone does not go very far to help them. That is the experience and none of us are prepared to go into details and find out whether what we are doing really helps them. We feel that once a motion is brought before this Council and a grant of four or five lakhs of rupees is made for them, our business is finished. We do not even care to know how much of that money goes for the amelioration of the depressed classes. At the time of the Budget, once I drew the attention of the Council to the fact that about 25 per cent of the money that was sanctioned for the depressed classes went towards the payment of the salaries of high paid officials who were employed to look after

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these people. We have been showing them lip sympathy. We have done very little for them to improve them economically and educationally. If they are to be socially improved, and if they are going to be classed as equals with others, they have to be improved educationally first. We have opened a number of depressed class schools and have started a number of scholarships for them. But how many? What is the total population of the depressed classes and what is the number of scholarships that have been awarded to them? I fear that in the present year even the very small number of scholarships that used to be awarded have been withdrawn. If we are sincere and if we wish to give them a chance of improving themselves economically and educationally, I do believe there ought to be very little objection to treat them on a basis of equality with us. I want that we should do justice to ourselves, if not to these people, by showing that the method in which we have been treating them in the past is not the proper method in which they ought to be treated. In that spirit I want to second the motion before the House, not because I believe that the moment we pass this resolution or the legislation that we are going to bring in is going to bring in the millenium. It is only with a view to show that we are doing justice to ourselves and that we are making reparation for the injustice that we have done to these people that we are bringing forward this resolution, and I very gladly and very strongly support it. We want to be ruled by custom. Some of these are as old as 2,000 years ago and others only 30 or 40 years old. It is very difficult for us or for anybody to say which exactly is the custom that has to be respected in a particular matter. Some want that every thing in life should be ruled by the so-called Smritis. So far as that is concerned, each party is able to quote some, that is, in its favour. The Smriti or the custom we have been adopting is not uniform. For instance, take the southern districts. In some districts the oilmongers are not allowed to enter the temples, and a case went up to the Privy Council and they decided that oilmongers could not enter the temples and strangely enough a few miles from the place from which the case went up, the same caste people, viz., oilmongers are allowed to enter into temples. With regard to Nadars, in some districts they are allowed to go into the temples while in others they are not. The question of allowing temple entry depends upon the custom prevailing in each locality. I am told that even the highest class Nayars are not allowed to enter the Rameswaram temple. I do not think we are justified in saying that, simply because some consider certain things as sacred or ancient, we should not alter them.

'Sir, the difficulty that was pointed out by the Mover of the resolution was that the dharmakarthas of temples are bound by custom according to the Hindu Religious Endowments Act which was passed by this very Council and they are not at liberty to allow these depressed class people into the temples. It is only to remove that difficulty that this resolution has been brought before this House. As I

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suggested at the beginning, there seems to be no argument or reason against this resolution. But in practice it is feared that in certain places, if these depressed class people are allowed to enter into the temples, there might be a breach of the peace. I would only reply that we have to do the right thing at times even at some difficulty to us. Secondly, I already referred to the gradations existing amongst us. These gradations extend not only to castes but also to the places in a temple up to which each casteman could go. For instance, only the gurukkal can go into the innermost part of the temple where the idol is seated. The next enclosure is reserved for the Brahmans, the next for the high-class Hindus, and the next for the low-class Hindus and so on. Thus, there is a gradation even among those who are admitted into the temples. Therefore, I do not see what objection there can be to the entry of the depressed classes into the temples. The dharmakarthas may, in consultation with local opinion, assign a place for the depressed classes in the temples. It is unfortunate that we have to speak of assigning places to worshippers in the temple of God; I am sure that all these will go, but until they go, I suggest that the dharmakarthas should do this, always consulting local opinion in the matter. What I suggest is not against the spirit of the present practice under which each caste has a place assigned to it in the temple. If this is done, I am sure there will be no breach of the peace and any fear entertained on that score will be merely baseless. 2-45 p.m.

"The resolution, as it stands, makes provision for such a thing. I think it deals with the question only in a halting way. My friend, the Mover, speaks of the necessary safeguards and so on. We are familiar with safeguards proposed to be introduced in another sphere about which there is a strong feeling and difference of opinion. Here in this case also my hon. Friend does not want to abandon them; he wants to meet the orthodox opposition by introducing the necessary safeguards. If the orthodox people want to stress the point with regard to safeguards, they will have plenty of opportunity to do so when the Bill comes before the Council. Leaving that aside, I do not think there can be any objection to the resolution. I have great pleasure in seconding the motion of my hon. Friend."

* Rao Sahib V. I. MUNISWAMI PILLAI :—" I beg to move that—
'*after the word " Poona " the words " and the Bombay Conference " be added*'."

" Sir, the discussions that took place at Poona among the leaders was confined only to the Premier's award and the representation of the depressed classes in the legislatures. It was only at the Bombay Conferences that took place both before and after the Poona Pact was entered into that the social side of the problem was discussed and conclusions arrived at. So, I thought it advisable to make this small amendment in order to make the matter clear."

Mr. H. M. JAGANNATHAM :—" I second it."

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Dr. P. SUBBARAYAN:—"I have no objection to the amendment; I accept it."

* Rao Bahadur Sir A. P. PATRO:—"Mr. President, Sir, no one at this time of the day would question the sentiment underlying the resolution of the hon. Member. We cry for democracy, nationalism and Swaraj; we claim equality between man and man and the same political rights for all. How can we with any sense of responsibility say that those who are with us as Hindus should be denied the right which other Hindus exercise? That is why I have always been fighting for the removal of untouchability. To me temple entry is a very minor problem. The root cause of this prohibition against temple entry must be approached in a spirit of devotion for the cause. Temple entry alone is nothing because several caste people even are denied entry into the temple in my place. There are castes with whom we associate but are not allowed to enter the temples. In the south also there are very important castes who were not allowed to enter temples at one stage. Some of them, by economic improvement and by making themselves useful members of the society in many ways have been enabled to enter temples. There are castes in South India who are said to be outcastes; they came from other places; they have now become dharmakarthas by their wealth and enterprise. The root cause of their degradation is their economic position and once you and I help the depressed classes to elevate themselves economically, the problem of temple entry will be easily solved. The hon. the Mover of the resolution has suggested one method. He says: remove the obstacles to temple entry by legislation. For instance, the Hindu Religious Endowments Act does not permit trustees of temples to go against usage and permit depressed classes to enter temples. Therefore he says: pass a law permitting the trustees to do this. It is no doubt one of the means of achieving our object, but I should say it is not an effective method. It all depends on the circumstances in each district. While I am anxious that all obstacles in the way of this reform should be removed, I urge that the problem must be approached in a spirit of sincere devotion to the cause of the uplift of these classes. I do not agree with the reform which is proposed in this resolution. The accumulated sins of ages, the injustices done to these classes for years and years, cannot be removed by a stroke of the pen and attempted to be set right in a month. How can there be such a social revolution producing such far-reaching social changes in a day? As my hon. Friend the Mover has suggested, public opinion must be educated and when it has expressed itself sufficiently strongly, any legislation that may be introduced thereafter will be an effective one. But in this case there are grumblings and protests all over. I do not say it is yet universal, but there is a certain amount of strong opposition to this social legislation. Let us educate public opinion still more and bring round these opponents to our way of thinking—that we should afford every facility to the depressed classes and should not place any obstacles in the way of their entering our temples and worshipping there like other Hindus.

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"My hon. Friend, Mr. Muniswami Pillai, said that this question of the removal of untouchability was discussed at the Bombay Conference and not in Poona. I myself wanted to table an amendment like the one he has just now moved. It was decided at the Bombay Conference that this question must be tackled in all its aspects and that public opinion must be educated. It is only one and a half months since this question has become a live issue. Given some more time, the opponents of this reform will be convinced of the unwisdom and sin of their opposition to allow a section of the Hindus into the Hindu temples. I suggest to the hon. Mover that he should not proceed in this precipitous manner and that ample opportunity should be given to the country to discuss this question. There is no use of coercing public opinion. Every time a social reform is proposed, however necessary and harmless it may be, it has been the pastime of the orthodox people to quote certain Agamas and other Sastras. Heaven knows what these are: even educated caste-Hindus like me are ignorant of them. It has been the privilege of certain privileged classes to study them and interpret them. Sastras were quoted against the abolition of sati; it was said that sati was an act of great virtue and according to the Sastras, the poor struggling women burnt alive on the funeral pyre of her husband went straight to heaven. The same story was told when the Widow Remarriage Bill was under consideration. It was a purely optional legislation and even against that Sastras were quoted. The cry was raised that the Government was interfering with religion and there would be a revolution in the country.

"Even when the legislation with regard to prevention of child marriages—otherwise known as the Sarda Act—was passed, this cry was raised. Of course that Act was passed. But what is its effect? To-day you find marriages of little babies going on. (Mr. Sami Venkatachalam Chetti: 'They are punished.') They are punished in very rare cases. You and I connive at these marriages. (Mr. Sami Venkatachalam Chetti: 'I did not connive.') If they happen to be our relations, we make no report. Look at the condition that has been imposed in that Act. You must deposit a sum of Rs. 100 for the purpose of lodging a complaint under the Act. It prevents many people who wish to make complaints from doing so. Every politician of every shade thought that it was absolutely necessary that child marriages should be prevented and the Act was passed only recently. What is the effect? We hear of many unrestricted marriages of children. Therefore I say that in a matter of social legislation, you must know what the real opinion is in the country. But even if a certain section oppose a measure, if there is a strong sense of feeling among the majority of the people, you must get through the necessary legislation. But I am not one of those who would feel diffident to introduce any social legislation, if a small section is vociferous against it. But you must have the good sense and right judgment to estimate the opinion in the country properly and then you must reflect it in the legislature. I entirely sympathize with the object the hon. Mover of the resolution 3 p.m.

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has in view. I would make a suggestion that he should not proceed with any legislation; he must be cautious after the warning in the case of the Prevention of Child Marriages Act.

"I may say that this problem of temple entry is not so important to me as that of the removal of untouchability. Once in a direct manner you take up that problem, economic elevation, once you make up your mind to improve the social condition of the depressed classes and remove untouchability, the question of temple entry will be of no consequence. Therefore, attack the problem, not from the top, but from the bottom. In the rural areas what do you find to-day? My hon. Friend from Coimbatore pictured to us the position and condition of people in the cheris in the villages. People who are doing social service and who wish to see how far they can provide facilities for these people, how far they can carry comfort to the homes of these miserable people, and how far they can introduce cheerfulness into their families, know the difficulties these classes are living under. In regard to land, these unfortunate people are treated worse than cattle. There are still places where land is conveyed from one person to another with the person on the land. What is the use of temple entry to these people? The most effective way in which you can help them is to create a sense of self-respect in them, to create a sense of humanity for them and to emancipate them from the present economic position in which the caste-Hindus have placed them. The problem is one of social and economic improvement. It has nothing to do with religion. Temple entry is a very small problem compared with the real issue before us. What is the use of allowing these people to enter the temples unless they are emancipated? Even if they are allowed to go there, it will be only a mere academic problem of satisfying the political sentiments of some people. Will it bring them any kind of happiness or peace in their homes? Will it take them out of the surroundings in which you have placed them? That is the real problem.

"I do not know whether my hon. Friend has bestowed any thought on the question of these safeguards. You say that safeguards have to be provided; you want to give power to caste-Hindus to see that their own interests are protected. You want to provide rules and regulations as to what clothes should be worn and what conditions should be satisfied for entering into the temples. Safeguards and rules have to be framed for the purpose of determining what kind of ceremonies should be permitted and under what conditions *dakshanai* can be offered. Then where is freedom for these people to enter into the temples for worshipping God there? If you are going to curtail some of their privileges, if you are going to impose restrictions on the liberty of the depressed classes, what is the use of allowing them to enter the temples? You do not impose the same restrictions on caste-Hindus. Just as any caste-Hindu is allowed to go into the inner portions of the temples, so also the depressed classes should be allowed to go there. A member of the depressed classes must be able to make the same offerings as a caste-Hindu. He should have the right of having *archanais*

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and *abishekams* performed as any caste-Hindu. Why do you want to impose these restrictions, in the name of democracy, in the name of *swaraj*, upon these poor people because they happen to be socially and economically inferior to you at present? These safeguards which you want to provide will take away the blessing which you confer on them, of entering into the temples. I wonder what safeguards are going to be imposed. I do not know why the resolution refers to such safeguards. I do not know why there should be safeguards provided in such a social legislation as this. Rules and regulations will be framed to the effect that depressed classes should not go beyond the Dwajasthambam but should remain near it and make their offerings. I say 'remove all these restrictions.' Let not this find a place in the recommendation that is going to be made by this Council; there should be no safeguards. While I sympathize with the principle underlying the resolution, I am not in favour of providing safeguards; nor do I say that by legislation alone real salvation would be given to the depressed classes. This is only one of the means by which you want to secure equality for the depressed classes, but the more important remedy is their economic emancipation first, the improvement of surroundings and the creation of self respect."

* Mr. F. BIRLEY:—" Mr. President, Sir, I would like to say that my community naturally has the very greatest sympathy with any effort to uplift the depressed classes, and to remove the religious and social disabilities under which they labour. At the same time I am very definitely of opinion that such efforts cannot take effect in a brief period and I would strongly deprecate any attempt at coercion and direct action which may result in breaches of the peace. With this qualification I think I am expressing the general opinion of my community when I say that the resolution now before the House has our very greatest sympathy."

* Mr. A. RANGANATHA MUDALIYAR:—" Sir, I am sure the House has listened with care and attention and with interest to the speech of my hon. Friend, Sir Patro. We read very recently that our brethren—the depressed classes—commissioned him to represent them and their interests somewhere. I do not know whether he is a friend from whom they would like to be saved after hearing his speech, or whether they would like to be associated with him further. That is a matter which I would leave for them to decide among themselves.

" I think the resolution moved by my hon. Friend, Dr. Subbarayan, is a modest one and should meet with our general assent. The cry that religion is in danger is not a new one at all. My hon. Friend, Mr. Patro, said that it was raised even as long ago when attempts were made to abolish *sati*. Even in our presidency when the Hindu Religious Endowments Act was on the anvil, that cry was raised. When the Tirupati Bill also was on the anvil, the same thing was said. When the Sarda Act was under consideration, the same cry was raised. I do not agree with my hon. Friend, Mr. Patro, that this Act has been

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of no use at all. We know that cases of breaches of the Sarda Act were taken to the Courts and the persons responsible for the offences were punished. The provisions of the Act would have been enforced more strictly, were it not for our political troubles. The Government felt somewhat nervous to enforce this Act strictly and thus add to the forces arrayed against them. That is one of the reasons why the Government have been somewhat hesitating in regard to the effective enforcement of the Act.

"I want this resolution to be passed for two reasons, both in the interests of the caste-Hindus as well as in the interests of the depressed classes. I say it is in the interest of the caste-Hindus because it would not do for them to treat the depressed classes as Hindus for one purpose and reject them for another purpose. They should not play this double game, and they should not widen the gulf between them. I think that action on the lines indicated in this resolution would be useful for the depressed classes. We all know that the temples and the idols we worship are calculated to improve our ideas of culture, etc. Animal sacrifice, offerings of toddy, etc., will not be permitted in temples like Chidambaram, Tanjore, Tirupati and other temples. These things will have ennobling influence on the depressed classes for the better. I think these people who want to go into the temples will derive benefit rather than be at a disadvantage.

"So much has been said about *sastras*. I am sure that, if the aid of the Pandits are invoked, you can find authorities both in favour of temple entry and against it. I think we need not attach very great importance to *sastras*, because, as we make progress, customs must go away to suit the changing conditions from time to time.

"I would only urge this consideration for our Hindu brethren to bear in mind, that is, that those who believe in sastras and accept them as authorities base their objections on the impurity of these poor people. I think, Sir, ignorance can certainly be fought by propaganda and education. Surely, the Gods that are being worshipped are capable of taking care of their purity, and God will not be polluted by the approach of any of the creatures that God himself has created. I therefore wish earnestly to associate myself with the proposition moved by my hon. Friend."

* Rao Bahadur C. NATESA MUDALIYAR:—" Mr. President, Sir, I am extremely thankful to Dr. Subbarayan for having brought forward this resolution before the Council. The resolution itself is very mild and moderate. No wonder that Dr. Subbarayan who was taking great interest in all the communities when he was a Minister thought it best to bring forward this resolution immediately an opportunity came. I am however very sorry that my Friend, Sir Patro, took the attitude that he did and spoke in a rather patronizing way. Adi-Dravidas should not be looked upon in a patronizing way; we should not say 'let us give them this, let us give them that. Only this morning the resolution regarding the suffix 'Achari' was forced on us; and the

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Kammalas, Kamsalis and others got their right recognized. Now, these people whom we call Adi-Dravidas have also got a right to claim from us, and they must enjoy the privileges which other communities enjoy. Somebody referred to the Agamas. I say these Agamas are interpolations. I do not think any Agamas existed 5,000 years ago. The first time we hear of castes in our country is the time of the Tholkapiam. Don't we see in the Mahabharata that great men, children of the carpenters and the fishermen belonged to one community. Tholkapiam is the first book that speaks of castes in our country.

"Therefore, to talk of Agamas and other things is all irrelevant; what we find in Agamas are all interpolations. The Agamas must be of recent origin. These interpolations might not have existed originally.

"I cannot understand how people belonging to the community in which our Tiruvalluvar was born have been reduced to this condition. I think there should have been some religious or political tyranny underlying all this. It cannot be otherwise. Those Adi-Dravidas ought to have been political or religious heads and perhaps their opponents wanted to bring them down. You know it has been so in all countries and all ages. I know how the Jains were treated by the Hindu community. Whenever and wherever they found opposition, they tried their best to tyrannize the opposing people. Can any decent religion tolerate such tyranny? Can anybody think of a religion which compels those Hindus to be only with a piece of cloth about them; which cannot allow an Adi-Dravida to come within ten yards of the houses of the Hindus, which says that if he speaks a word against a high caste Hindu his tongue should be cut off. Is it Hinduism? Let not people of other religion mistake our religion as allowing all these things. Our religion is a most tolerant one. According to Hindu religion and philosophy there is no distinction of caste or creed. Sir Patro may think otherwise, with all his experience. From the very ancient times we had not distinction of caste or creed. Tartars came to our land; we absorbed them. Mongols were thus absorbed and so were Greeks. It was Britons conquering Normans. I am speaking the truth; I am speaking history; and that has been the feature of the Hindus or I may say the then Indians. All people, who tried to uplift the down-trodden, occupied a very high place in the religions of Sri Ramanuja and Sankara. Our Tiruvalluvar whose Kural is the book for all ages and for all people in the world belonged to the Adi-Dravida community. The high caste Hindus are now learning Kural; but the community which produced that Tiruvalluvar is insulted. Kural, Sir, is the moral code of the South Indian communities. How is it that that community of our law-giver and moral preceptor has been brought to this position? Surely there is something underneath all this. Our sages have written against such a distinction being made as between caste and caste. Sankara spoke against it; Ramanuja for whom I have the greatest respect, spoke against this. Ramanuja took all the people into the temple. One example of how Ramanuja brought an alwar to great

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prominence was that of the great Thiruppana Alwar. What about Sankara? What about Ramanuja? What about our Aruvathumuvars? We read and worship them without knowing the real meaning. It is only to set right society from degeneration that prophets arose—Lord Buddha, Lord Jesus, and then Muhammad. You may call them prophets, but I call them Lords. It was only when society was torn to pieces such prophets arose in all countries, and they all said one word—the brotherhood of man and the fatherhood of God. When Ramanuja was asked whether he would go to hell by giving the mantram to all people, he replied; "let all these people by learning the mantram go to heaven; I will go to hell, for saving their souls." Having had all these people in our community, we are now discussing whether we should or should not pass this resolution. Sir Patro said that this question of temple entry is before us only for the past one and a half months, and he says that, in spite of his 55 years of life. What about Sri Ramanuja who got temple entry to Melkotta temple at least for three days in a year; about Chaitanya and Dayananda Saraswathi who fought for the equal rights of all the communities. Recently there was Mr. G. Subrahmanya Ayyar who protested against inequalities. Then there is Sir R. Venkataratnam. I was under the influence of all these gentlemen in my younger days. They all attempted to level up society and democratize religion. Even now, Sir R. Venkataratnam has a number of Adi-Dravida children around him. I believe it was Mr. G. Subrahmanya Ayyar who was the first social reformer. For generations we had before us the temple entry question. But now Sir Patro is saying that we hear such talk only for the past one and a half months. Once we created a scene in the Sri Parthasarathiswami temple some years ago when I was a student in the B.A. class. Our Hindu society is in such a state that at present there is no Hindu majority community. I am saying this to all the gentlemen here that there is no Hindu majority community as such at present. The Hindu majority community is composed of a number of minority communities. Among them there are no intermarriages. Sir Patro and myself cannot intermarry (Laughter). I mean of Sir Patro's family and those of mine. Most probably, if he comes to my house, the old women will say 'Do not sit and eat with Sir Patro; I will send you out of the community if you do so.' Vice versa will be done if I go to his house. That is the present state of our society. Any one community has nothing to do with the other communities. In fact, one can easily find out which is the majority community within the Hindu communities. It is the Adi-Dravida community; that is the only community which consists of several millions of people and of all the many small communities of Hindu community that is the largest one. And to that community we do not want to give all the privileges they deserve. It is the duty of all of us, Hindus, to go about and tell the high caste people that all these people belong to our religion, one and the same religion, and that they should have the same privileges as ourselves. Sir Patro says that the question is a month and a half old. What about Sadasiva Ayyar, Seshagiri Ayyar, G. Subrahmanya Ayyar and a host of other people who

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have been working in this behalf for a long time. Sages like Ramanuja have been working centuries ago towards the levelling up of society by striking at the very root of evils of society and religion. And they were not successful. Even Ramanuja had to run away at one time. By the by I have also to impress upon my friend, the hon. Sir Patro, Nandanar's temple entry. So this struggle for temple entry has been going on in our land for ages now. What Ramanuja and others did not succeed in doing in those days the non-Brahman party did. Our party creed was 'Give them political status.' Other self-respect and other privileges will automatically go to them. The other day in this Council I said: 'If an Izhava was being oppressed by the other communities in a certain locality, make an Izhava a Judge or Collector in that locality, surely the Izhava will be better treated thereafter.' That is what I say *now*, and that is what our party *said: Give them political power.* My leader, that great man the Raja of Panagal, said so when he was in the Legislative Assembly. He said: 'Call a man Haridas—that is a servant of God—he will not be honoured by our society and you will not allow him to approach you even within ten yards of your house. But if he becomes a Christian, a Jacob or a Joseph, then surely you will call him to sit in your own table because he assumes the religion of the rulers.' Political power gives him that right. Non-Brahman movement started with that principle. We wanted political privileges and rights for the Adi-Dravidas and the result of it is we see capable and eminent men from the community sitting in the Council. Adi-Dravidas have been tenaciously clinging to the Hindu religion for over two thousand years in spite of oppression and suppression they have been subjected to. They have been all along Hindus—that is a matter for our admiration. Politically we have achieved great results. One of the very Adi-Dravidas whom Hindus had not been allowing to come within ten yards of their houses was received by the King-Emperor in the Buckingham Palace; people like my friend, Rao Bahadur R. Srinivasan, have been in the Round Table Conference. Politically we have achieved enough for the Adi-Dravidas. We need not hereafter tell them to do this and that; they automatically, economically and socially are bound to rise. The whole question now centres round joint electorate or separate electorate. I was for separate electorate. I am now thinking whether separate electorate will do them any good at this stage. If they are to have a joint electorate, the high caste Hindus will have to go and beg of them for votes. We will take care of their interest both in this Council and outside. I am very glad to find that they are going to have joint electorate. I congratulate Mr. Srinivasan and the other gentlemen here who went to Poona and accepted the Pact. We want the Government to give them the same privileges as they give to the other communities. Government restore Rajas and Maharajas to their posts, and it is their duty in this case, as also the duty of this Council, to see that the Adi-Dravidas are restored to their original status and privileges. We all worship at the Tiruvallur temple; why not politically worship these gentlemen here?

" After all, Sir, this is a permissive resolution. There are temple trustees who say that personally they have no objection but that the high

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caste worshippers will object to such temple entry. What harm is ther I ask, if you pass this resolution? We simply allow or permit tho who want to give entry to give it; there is no question of coercion. Ou friend here speaks of coercion. Where is coercion here.

"With these few words, Sir, I commend this resolution—one of tl *resolutions of the day—to the acceptance of this Council and hope tha all will unanimously vote for this,—including Sir Patro.* I am glad Sir, that our European friend, Mr. Birley, has accepted the resolutior *We must all of us vote unanimously for this resolution and show to th* country that we are not behind any others in this respect. Certainly w must hasten legislation in this respect as much as possible, as the life o *the greatest soul of India will be involved, if the period exceeds si* months. All the present restrictions should go away root and branc within the period of six months. I support this resolution ver strongly."

-30 * Mr. C. R. Parthasarathi Ayyangar:—"Mr. President, Si

m . Patro, who thinks that everybody should follow in his foot-steps, has pu a question in a guarded manner. I think that in a matter of this sort we forget one important fact, and that is that there are laws whicl govern the relationship of people in every country. We have to accep them as the natural law of the country. So, if we do not treat ou depressed class people as friends or persons whose aspirations we mus admire, how do you expect the British Government to admire ou pertinacity and our determination to achieve our goal. One of th reasons why we have not achieved freedom is that we have not give freedom to our own people. If we want freedom, we must remove th yoke which we have placed upon others. So long as there is a perpetua tion of serfdom, it gives an opportunity to the British Government to say, 'we place the yoke which you are placing upon others.' Though i may not be expressed point blank in so many words, yet that is th feeling in the mind of every European. He says, 'you want freedom we are prepared to give you, but you remove the yoke which you hav placed over the neck of the depressed classes, before you claim privilege for yourselves.' Each community and each section, wants some privilege for itself which it wants to deny to others. If therefore, the natura law, viz., what you give to others the same will be given to you, is to be respected, if you want to move hand in hand with every class, every creed and every race, you must treat every one with cordiality. By allowing the depressed class people to enter the temples, we are not going to achieve the millennium, and make the Adi-Dravida a man of culture o the highly cultured man in this country. Certainly not. But you don' exploit them, you don't treat with contempt those persons who are weake than yourselves in culture, in status, in ability and skill. If we do no treat them like that, then naturally every other nation in the world, ever the people who treat us with indifference and before whom Sir Patro i going to urge our case in the third Round Table Conference, where he will have to say, 'we have given freedom to the Adi-Dravidas, why don't you give us freedom for which we have been asking all these years.' Instead of making such a bold stand, Sir Patro says, 'let us wait for

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some time.' The same answer, he will get at the Round Table Conference—Sir Samuel Hoare will say, 'you want to wait in the case of the Adi-Dravidas; so, until then you will have to wait also.' If you are to march quickly on the road to freedom, give those people the freedom they want and by the law of nature, you will get the freedom you want. Therefore, I would say, temple entry is only one of the ways in which we can show our consideration to the depressed classes. This is not the only occasion when this question has arisen. In Melkota, the Adi-Dravidas are given an opportunity of entering the temple for three days in a year. That has been in vogue for a century or so. Now, we are centuries ahead and we are only worse. At present, younger people are quite ready to pave the way. There are no Shastras prohibiting it. There is no Shastra which says that a person is a Chandala and so he should not enter a temple. The only thing that is required before entering a temple is, that you have to enter it with reverence and neatness and these are the things that are absolutely necessary in the case of any one who enters a temple. We are not going to allow people who behave in a rude fashion.

"If we want to treat them as friends, and as people whom you care for, you must give them opportunities to show that we care for them, their welfare and their spiritual prosperity and that you do not neglect them. It is the index of the feeling that we have and that is the motive behind this resolution.

"There is another point also we shall have to remember. In the west, no social equality was obtained without revolution. In the east, we are doing it more carefully. The history of the French revolution and the steps they have taken for securing social and political equality show how people in the west were not tolerant. People there take the law into their own hands and they are more quick in attaining their object. They could not tolerate these things for a long time and hence the French revolution. Even the American revolution was the direct result of social revolt. Therefore, we have to take care in our own country against a repetition of such feelings. It is simply an extraordinary thing to find how our Adi-Dravidas are child-like and simple in their demands and do not revolt. If they had really the temperament of the people in the west, they would have revolted long, long ago. We should not therefore take advantage of this. It is high time that we fought social and political revolution, that we take time by the forelock and see that the persons who are depressed are not depressed any longer, that we should impress upon them that we are careful for their welfare and that one of the methods by which we care for them is that we should allow them to worship God as we worship and to show to them that before God, we are one and the same. That kind of feeling in us will have a tremendous effect. I have therefore no hesitation in saying that the effect of this resolution is far far-reaching than we imagine. First, it will advance us politically. Secondly, we avoid revolution. Both these put together, will make us feel that we have done wisely in bringing forward this resolution. With these few words, I commend the resolution for the acceptance of the House."

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* Mr. V. P. Narayanan Nambiyar:—" Mr. President, Sir, the resolution before the House embodied a matter of vital importance inasmuch as it aims to remove the greatest curse on Hindu religion and the most tragic blot on Hindu society. The depressed classes are admitted to be Hindus, they are 'sisters and brothers' at political gatherings, yet when water has to be drawn from a common well, when common education has to be imparted, and common worship has to be offered, the depressed classes are told, 'thus far and no further.' If temples be really the centres of religion and the abode of God, we have no right whatever to stand in the way of our co-religionists offering common worship with us to the God of us all. Why should there be division between caste and caste? Caste division in the old days was but a division of labour for the glory of the motherland. It was built up so that India might be served, each community honouring itself and finding perfect expression through some service which would be best suited to its own way of thought, its own capacity of achievement. We cannot allow what was meant to be the source of richer unity to be to-day a source of disunion, disintegration and degradation that affects the bonour and progress of the motherland.

" The recent fast and penance of Mahatma Gandhi has awakened public consciousness in this matter and in many places—even in such places of orthodoxy as Kalighat, Ayodhya and Nasik—orthodoxy itself has become reconciled to temples being freely and voluntarily thrown open to the depressed classes. It is necessary to take advantage of this national awakening and rid Hinduism of a disease which sooner or later must be got rid of. All reasonable Hindus—and they form the great bulk of Hindus—believe with Mahatma Gandhi that with "human outcastes, God Himself is an outcaste." Along with my hon. Friend, Mr. K. P. Raman Menon, I have the honour to represent in this House the Hindus of Malabar. And of Malabar I can say, that the heart of Malabar to-day is against the disabilities in the way of the depressed classes. This was amply demonstrated by the fast of Mr. Kelappan and at the historic gathering which recently met at Guruvayur. Thousands of people had assembled there, men and women had come from all parts of Malabar. They with one voice resolved that Malabar which was the cradle of untouchability should also be the tomb of untouchability and demanded of the Zamorin to throw open the gates of the Guruvayur temple to the depressed classes. Malabar has realized that the depressed classes, lamentable human beings so long disinherited from their rights of humanity, are flesh of our flesh and bone of our bone.

" Mr. President, we have of late heard Swaraj for India spoken of vigorously, unceasingly and passionately; but so long as the inequalities that are sought to be removed by the resolution before the House are existent we shall be as distant from Swaraj as we were at any time in the history of this country. How can we hope for greater rights and higher privileges, how can we dream of a future free India, when depressed classes are denied by us equal opportunities, equal privileges, and equal rights? 'Unless grotesque ideas of misconceived gradations and degradations of society are given up there will not be the dawn of a

bright era. Directly these barriers are set at naught, abiding trust in each other will be established and the depressed classes who carried the bond of centuries, will say ' Oh, caste men we trust you.' We will then establish that true democracy of Indian life by seeing that the best men shall represent the best interests of India. Then alone can we rightly claim to represent India, to represent the honour of India, the capacity of India, the ideals which India must stand for in the eyes of the world. May I therefore, in the interests of general welfare and social justice, and in the name of the great past and the glorious future of our country, appeal to this hon. House to accept this resolution."

* Mr. YAKUB HASAN :—" Mr. President, Sir, my excuse for intervening in this debate is this, that I consider the removal of untouchability to be an Indian National question and not a mere communal question of the Hindus. When Mahatma Gandhi introduced in the Congress the question of the removal of untouchability and made it a charge on the Congress, many Hindu Sabha leaders including the late Swami Shraddhanand were of the opinion that this question was a Hindu question and the Congress, of which non-Hindus are also members, should not tackle this question. I differed from them and said that this was not a mere Hindu communal question but an Indian National question. Untouchability is a blot on Indian civilization and as long as it exists, no Indian can raise his head as a civilized man, be he a Hindu or a Mussalman. As long as the notions about pollution remain in India as they are now and certain people are kept out of their social and religious rights simply because they belong to one section of the community, we cannot consider ourselves to be really civilized people. I want equality, true equality to be established in India among all peoples and that can only be established if this untouchability goes. With the removal of untouchability the ideas about pollution will also be radically changed. Because Mussalmans ruled in this country for a long time, it has become the custom to tolerate the presence of the Mussalmans here. But socially Mussalmans are as much untouchable among the orthodox Hindus as the untouchable classes themselves. There are many Hindu restaurants in Madras where no Mussalman is allowed to enter. Sometime ago there was no such disability as this, but now I find after all the progress that has been made this state of things has come to exist. I went to one restaurant with a Hindu friend, and the proprietor told my friend ' Please don't bring any Muhammadans here. We will lose our customers.' They think that coming into contact with some people who do not belong to the four castes would pollute these people. That idea must be removed, and it can only be removed when the untouchability of the depressed classes is removed.

" Untouchability has got three aspects, the political, the social and the religious. Thanks to the self-sacrificing fast of Mahatma Gandhi, the political untouchability has been removed and the number of communities has been reduced by one. Hereafter, the depressed classes will not be treated as a separate community. The Hindu community will cover them all. I should wish that a day may come when community and nation would become synonymous. I want the number of these

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communities to be reduced and Mahatma Gandhi has reduced it and one community at least has been wiped off as a separate community. That is a great gain indeed. Mahatmaji's fast has also opened the eyes of other people. The Indian Christians are also saying that they should not be kept out and thrown out of touch with the Hindu community to whom they belong culturally. Religion alone should not separate them, and they want to be taken back into the fold of the Hindu community. Only they do not want entry into the temples; they have got their churches to go to. Even among the Indian Christians also the caste system is kept up. The depressed classes by becoming Christians remain depressed at the same time and the other castes also by becoming Christians retain their caste. But that is not the case with the Mussalmans. As long as this question of pollution remains, there can be no hope whatever of any social or religious reform. The caste system was nothing but an occupational system. As has been observed by others, it only represented trade divisions among the people. There was the priestly class, there was the military class, there was the mercantile class and there was the class of labourers. And those people who were doing some other work which is a dirty work, such as scavenging and other things, were considered to be unclean and kept out of the castes. The touch of them was considered pollution. Now in these days, in cities where the flush-out system has been introduced Brahmans and non-Brahmans are washing their night soil every morning. Now where is the difference between the Brahmans and the depressed class people when they do their own scavenging? Go to Broadway, a Brahman would take the measurement of your feet and put the shoes on to them. Where is the difference between the depressed class cobblers and the Brahman shoe-makers? In the skin and hide trade, not only tanned skins and hides but also raw skins and hides, there are Brahmans and non-Brahmans carrying on the trade and even handling the cow hides too. Where is the difference between the Brahman and the non-Brahman in the hide trade and these depressed classes who handle carcasses of dead animals and are considered unclean? No work can make any person unclean. Bodily cleanliness can be attained by ablutions, and if people are not allowed entry into the temples, it is on account of the pollution which these people are supposed to carry with them. Simply because certain classes go to a certain place they are said to pollute that place. That idea must be removed. Pollution comes in, not because a man belongs to a certain class, not because of his profession or trade. On account of carrying on certain profession he may have some unclean habits. So, those habits must be removed and not anything else. In the beginning of Islam, a Christian came to Medina and he went to a mosque, the only mosque that was there, and the Christian actually made water there. All the Mussalmans were naturally up in arms and they would have lynched the man. But the Prophet pacified them and ordered that mosque to be washed. The washing cleaned that mosque and washing was considered enough to clean the actual pollution that was made. And the man who innocently did this was not even made to know that he had committed a serious offence, because he was only a traveller who came to

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that place. That is the spirit in which I want my Hindu brethren to consider this matter. In doing away with untouchability, they bring about a revolution in their ideas of cleanliness, and in their ideas of pollution. That is what is aimed at. In this resolution legislation is sought. The legislation, as far as I can understand it, is to help certain trustees who think that by custom they have to observe certain forms, though they sympathise with the question of temple entry. They have no objection to the depressed classes entering temples, but at the same time they think that they as trustees should have regard for the custom and usage and should not go against it. The proposed legislation would only enable them to allow an entry into the temples if the other worshippers have no objection to these depressed classes coming in. The Government should not raise the plea of neutrality in religious matters. It is not a question of neutrality. The Government must behave like a National Government. To-day if we had a National Government, peoples' own Government, there will not be any question of neutrality. Neutrality will not come. We will have to legislate on this matter. And you cannot say that Mussalmans should not interfere in a matter that concerns Hindus as the temple entry question is a purely Hindu question. If you find that any section of Mussalmans is being tyrannized by the other major section of Mussalmans, the Hindus would be doing their duty by interfering in the matter of Mussalmans and prevent tyranny being perpetrated against any section of Mussalmans. I feel that a tyranny is being done to a section of the Hindus and I feel it my duty as an Indian to come in and help you to remove that tyranny."

Mrs. K. ALAMELUMANGATHAYARAMMA then spoke in Tamil. The following is the true English translation of the speech:—

"Mr. President, Sir, I want to speak a few words supporting Dr. Subbarayan's motion for temple-entry for the depressed classes. In God's creation all men are equal. There is no superiority or inferiority. Tiruvalluvar says in his 'Tirukkural' that all are equal at birth. The great saint, Vemanna, has spoken about the worship of God and the equality of all castes in such worship. In these days when we are pleading for the political equality of all communities, why should we make any distinction in the matter of religious worship. It is man that has created higher and lower castes, and not God. God has never said that only the higher castes are entitled to worship Him. The Saivite, Vaishnavite and other sections in the Hindu religion preach equality and cosmopolitanism. Religious teachers like Sri Sankarar, Sri Ramanujar, Ramananthar, Krishna Chaitanyar, Kabir and Nanak have preached to the people the essential equality of man. Generally, though Hindus are stated to be of a very religious temperament, they have not put into practice the teachings of their religion. Every thing has been narrowed down to custom and tradition. The differences in the matter of temple worship are really based on caste distinctions. The caste differences in our country have, it has been made clear by many, no sanction in

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the vedas. A hundred years ago, Raja Ram Mohan Roy, who had studied the four vedas, has pointed out that there is no support in the vedas for these differences. He condemned the artificial distinctions made between certain castes in the matter of the temple-worship. He established the Brahmo Samaj in which all persons, without any distinction, could pray to God. This Samaj is a great unifying force in India to-day. God who is all pervading should be worshipped by all including the Adi-Dravidas. The Adi-Dravidas should feel that they are equal to other communities. It is because caste-Hindus have been treating them as inferiors that they have embraced Christianity or Islam. The Hindu community as a whole is declining in strength and solidarity on account of these differences. It is common knowledge that when persons belonging to other religions, who are high officials, such as Governor-Generals, Governors or Collectors, enter our temples, they are given greater honours than the devotees of the Hindu religion.

"Legislation will be found to be necessary to remedy the present evils. Raja Ram Mohan Roy stopped the practice of 'Sati' by legislation. The orthodox Hindus were against it. When Pandit Iswarchandra Vidya Sagar brought the widow remarriage measure, orthodox Hindus opposed it. When the Civil Marriage Bill was passed, there was a similar opposition. But the cause of reform and progress triumphed. In the case of temple-entry also, legislation will be necessary, and so I support the motion and appeal to the Members to pass the resolution unanimously and enable the proper framing of legislation for the temple-entry of the depressed classes."

* Rao Bahadur R. SRINIVASAN:—"Mr. President, Sir, the resolution is a very modest one. I say it is a modest one because it does not require the restoration of the ancient temples that belonged to us, depressed classes, but it claims only an entrance into those temples. I will mention a few of them. The most important of them are in Southern India. In Trichinopoly a temple was built on the ground where Sambava Samban was cremated. We were driven away from it and the temple was re-named Jambukeswaram temple. In Tanjore a temple was built by Shola Raja over the ground where Biruvadai Samban was cremated. It may be traced to the Chola Magatham. It is now called Brahadeswaraswami temple. The next temple at Tiruvarur was also built by the same Shola Raja on the ground where Thyagan of Thayaga Samban was cremated, whose (Thygan's) daughter the Raja married. That temple is now called Tyagarajaperumal temple. When the Mahratta and Telugu rajas or chiefs came to the South India, they destroyed forts of Sambans and took possession of these temples and drove the Sambans out of them. Again in Tanjore the Mariamman temple was built by the very Shola Raja. Mariamman was a sister of Tiruvalluvar, it was built in honour of that virtuous woman. I can quote hundreds and hundreds of temples like these. Such temples were taken possession of by caste people and we were driven out of them. According to this resolution we do not claim for the restoration of those

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temples but want to claim merely entry into them just to worship the images. With regard to the temples in which there are samadhis or cemeteries, the Brahmans do not worship the images therein. So the Brahmans have no place in Jambukeswaram, Biratheswara or Tyagaraja temples. So they don't use the old names of our forefathers but attach the word Eswara and call them as Eswara temples. I do not want to go still further. We have claims to enter into the temples. Now our hon. Friend, Sir Patro, who has been advocating removal of untouchability when he began to talk on temple entry came out in his true colour. There is an old saying, Sir, 'Scratch a Russian, you will find a tartar'."

Rao Bahadur Sir A. P. PATRO:—"On a point of personal explanation, Sir, I am afraid my friend has entirely misunderstood me. I said that all temples that can be opened to-day must be opened. I never said anything against."

Rao Bahadur R. SRINIVASAN:—"Some of the speakers including Sir A. P. Patro referred to our conditions saying that we were unclean and so on. If our conditions are wretched and if we have been unclean persons, as some people look upon us, how were we able to produce so many saints, so many poets and poetesses, such as Nandanar, Tiruvalluvar, Avvai and Mariamman who were models of virtue? Our community has produced dozens and dozens of saints and sages in the past. Poverty may drive them to be unclean. But when a depressed class woman wants to go and worship in a temple situated within her own locality or cheri, even though she has got only one saree, she takes particular care to wash and wear it before she goes into the temple. When such is the case, to charge the depressed classes that they will enter the temple, if allowed, in an unclean state, to say that they are dirty, they are this, they are that, is merely to deny them the opportunities and the privileges due to them. But, when you take the caste people who enter temples and examine their cases how far they are clean and so on, it will reveal several things into which I do not want to enter because it will create ill-feeling. They are well known to all.

"As for safeguards against breaches of peace, etc., when temple-entry is allowed, I do not think the depressed classes will create disturbances in the temples, because they are essentially peace-loving people more so in a spiritual atmosphere. I do not know what other safeguards are necessary than that guarantee. The very removal of the disability will create concord and bring in an era of peace. Then again, if you want to improve a community economically and politically, you should also improve them spiritually. Some of the speakers said that temple-entry is not so important a thing in elevating the community. Anyhow, according to the Poona Pact, temple-entry is one of the terms, I think they have rightly taken it as a first step to fulfil the pact. I do not want to take much of the time of the House. It is quite reasonable after all that was said that temple-entry should at once be recognized, especially as some of the oldest temples have been taken away from our possession. I hope this resolution will he passed unanimously by the House."

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* Khan Bahadur P. KHALIF-UL-LAH SAHIB Bahadur:—" Mr. Pr dent, Sir, I did not propose to intervene in the debate, but the l speech of my hon. Friend, Sir A. P. Patro, has induced me to rise *and say a few words. In his own able way, he told us that the depres* classes are certainly entitled in every way to enter the temples, t they are entitled to so many other rights and privileges, but at same time he finished his long speech by saying that he cannot l his support to the very modest resolution that is before the House. (A. P. Patro: 'It is not that.') My hon. Friend has been talking such a way that most of us have not been able to understand him. would request him to make speeches in future in an understanda manner. (Laughter.)

"Coming to the point, Sir, the depressed classes are still consider at least by a majority of the Hindus, to be Hindus in religion, thou some Hindus would deny them even that privilege. I for one con *der them to be Hindus,* and I cannot at all see why they should kept out of so many privileges which the other Hindus are enjoyi and are enjoying as they think as a matter of right. The poor depres class man *is prevented and sometimes forcibly prevented,* from walki up a public street, where even the pig is freely permitted to wan about Why should he be so prevented? What reason can the str people give for so preventing one of their own Hindu brethren? This a matter in which the public are entitled to seek a remedy.

"Coming to the question of political improvement, I may say t through the good graces of the British Government they have equal *in the political temples.* Now we see them in the local bodi When representation was granted to them in local bodies, there w instances in olden days when boards refused to meet if the depress class man would come and attend the board meeting. That was o ten years ago. But to-day, I ask, is there any single board whi refused to meet because a depressed class man is a councillor here member there? If such a great improvement has taken place with the last ten years, I ask, is it because public opinion was trained fi to take them in, or because it was legislation that forcibly introduc them into those bodies, which gave the public the necessary educati to consider them to be equal with the other Hindus. My hon. Frien Sir Patro, said we must wait till public opinion is evolved to hold t depressed classes as equal to other members of the Hindu communit I would humbly submit to this House that I would rather prefer leg lation being made to make them equal, and I am sure that therei within a few years the distinction between depressed classes and no depressed classes will disappear without any trace whatsoever. Agai as regards the public opinion to which my hon. Friend was referrin I would ask him whose public opinion he was referring to. Is it t public opinion of the non-depressed Hindus or the public opinion the depressed classes? So far as I am able to understand, both t

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representatives of the depressed classes and the representatives of the non-depressed classes have come to a pact at Poona and have also resolved at a conference at Bombay that all those disabilities should disappear. Does it not convey to us an idea of the present development in the public opinion of the depressed classes and the non-depressed classes? If they do not reflect the public opinion of those two communities, then am I not going to attach any weight to the representative character of those representatives at all, or to the public support that the pact has been receiving from all parts of India, from the Himalayas to Cape Comorin? Now, Sir, as I have said, political equality has been achieved not by the development of public opinion but by legislation, which certainly quickened public opinion in its train. So also, Sir, in the matter of temple-entry, as my hon. Friend, Mr. Srinivasan, pointed out, temples which have been built in the names of Adi-Dravida saints have now been taken possession of by non-Adi-Dravidas, and into these temples the very Adi-Dravidas are refused entry by them. This is a matter in which the public are interested. A temple is certainly not a private place. If at all any legislation is to be introduced, it is here that we must make a start. Dr. Natesa Mudaliyar referred to the Tiruvalluvar temple in Mylapore. There to-day caste-Hindus go and worship in the name of the Adi-Dravida saint whose cremation took place there. Even his works known as Tirukural are considered to be the Tamil vedas. If the work of an Adi-Dravida is to be considered the very vedas of the Tamilians, I wonder how the Hindus can refuse the entry into a public temple to the Adi-Dravidas at all.

"As I said, the Poona Pact has brought things to a head. Either it must be a reformation or a revolution. Either you must bend or break. There is danger ahead. If now non-depressed classes do not realize the situation and grant to the depressed classes their birthright of equality as human beings, I am sure they will break away from them, and that is the danger ahead. It is high time that the non-depressed Hindus feel this as a vital matter touching their very community, the entire Hindu community at large. I feel no doubt whatsoever that enlightened Hindus will realize the situation and come to the rescue and save themselves, and by doing so, I say, they will be saving themselves besides saving the depressed classes also."

* Rao Sahib N. Siva Raj:—"Mr. President, a very simple and straight issue that this resolution seeks to raise has unfortunately been clouded by the many speeches that have been made in which I find that matters that were entirely extraneous and not germane to the proper appreciation of this question had been introduced. As I see it, Sir, the object of this resolution is merely to remove a legal disability which exists in the case of certain temples whose authorities are prepared on the stress, on the pressure of public opinion to throw open temples to all Hindus. I maintain that even as long as there is one Hindu who is called a Hindu and who is recognized as such, as long as there is one Hindu who is not admitted into the temples, it is necessary for the legislature to express its opinion in favour of public opinion,

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when that public opinion wants to admit him into the temple. Sir it is quite unnecessary for us to discuss the merits of this question I am luckily myself in the happy position of one who doe not know either the texts or the traditions behind this question, an I am not prepared with that authority to say one way or the other i this matter of temple-entry. But I do maintain this, Sir, that as lon as one Hindu is kept out of the Hindu temple it is very necessary tha *this legislature ought to assert itself in favour of public opinion* fo admitting that Hindu into the temple. Sir, that was the simple issu raised by Dr. Subbarayan's resolution which has been clouded b speeches in many cases ranging over the whole question of the entr of the depressed classes into temples. I do not say there is any cas which is unfavourable for the entry of the depressed classes into th temples. Sir, I do not see why even the Government should stand i the way of legislation of the kind if and when it comes. As it at pre sent stands, Dr. Subbarayan's resolution merely asks the consent of thi House and to make a recommendation to the Government that if an when legislation is brought enabling this legal disability to be removed which merely stands as an obstacle in the way of public opinion merel asserting itself, in such a case the Government also ought to hav *no objection to it. In a case like this I expect the Government merel* to state that the Government shall have no objection whatsoever t the passing of any legislation which will remove any legal disability when public opinion is for the removal of such disability. It is fro that point of view that I have very great pleasure in supporting th resolution that has been moved by my hon. Friend, Dr. Subbarayan That does not however mean that I am advocating temple-entry on th merits of the question. I know as matter of fact that in any case ther is a kind of calculated degradation that has been thrown upon th depressed classes. Many of them are really thinking of adopting a ne creed, a creed which is gradually growing in the minds of the depresse classes, namely, the creed of self-respect, by which they really do no want to have anything to do with temples as they exist at present an with the temple worship as is conducted at the present day. I as my Hindu friends this: if there is a God in these temples, as long a they recognize worship in these temples not directly to that God bu through an intermediary, through some other person, I do not think th question of temple-entry will be finally solved, even as regards the non Brahmans are concerned.

30 n. "Another point that I wish to impress upon the minds of friend here is that the removal of untouchability is not going to achieve ver much. I am in agreement with my hon. Friend, Sir A. P. Patro when he said that this resolution ought to be divested of those safe guards with which it is sought to be hedged in. If I am for temple entry at all, I am for it as a man who wants to have direct communio with God. I do not want to enter into any place where I may be tol my place. That was why I said that I agreed with Sir A. P. Patro and I am perfectly sure he was sincere when he said that. (Sir A. P

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Patro: 'Yes.') I want these safeguards to be removed. I am of opinion that this untouchability question merely creates another caste Hindu. Granting that untouchability is removed, what happens? You get a fifth caste; all the same you have to occupy the position which has been assigned to you on account of the various causes, mostly economic. And as long as Hindu Society recognizes caste in some form or another you will find the necessity for having an outcaste. (Mr. Sami Venkatachalam Chetti: 'Ministries are broken on the rock of castes.') Nationalism itself will be broken on the rock of castes. As long as Hindu society recognizes castes it must be prepared for an outcaste class. Suppose tomorrow, the four castes join together and treat the Brahman badly, I am sure the Brahman will become an outcaste. If the priest continues to do what he is doing today, I am sure public opinion will assert itself and the poor Brahman will be an outcaste. I feel that the Hindu society will not be perfect and strong as long as caste in some form or other is recognized—it does not matter whether untouchability is removed or not. Anyhow, I have great pleasure in supporting this motion."

* Sriman M. G. Patnaik Mahasayo:—"Sir, this question has been thoroughly discussed, but I want to say a few words on it. It was said that the depressed classes were prohibited from entering these temples. I think the prohibition against these people, if any, is to be found in the Agamas. Prohibition simply means that when a man seeks entry into any temple he is prevented from going there. Now, the so-called depressed classes had their fetish worship and never cared for the worship of the Aryan deities. Even aboriginal tribes, the Savaras and others, worshipped their own deities. They themselves were the pujaris, and they did not seek the assistance of Brahmans. Therefore to say that these people were prohibited from entering a temple because of uncleanliness or because of their pursuing some uncleanly profession is wrong. The idea of scavenging arose only after the advent of the British rule. In those days even very big cities had no necessity for any kind of people to do this kind of dirty work. In villages there is no necessity at all. People answer their calls of nature in adjoining jungles; they never cared for scavenging and there was no necessity for it all. Therefore if there be any prohibition in the *Agamas* it cannot be interpreted with reference to the present state of society. The word *chandala* was used in a different sense in those books. It does not mean untouchability. It means a person who is guilty of the grossest kind of moral turpitude. According to the Yagnavalka *Smirithi*, the issue born of *pratiloma* marriage is chandala, i.e., if a Brahman girl is married to a Sudra, the child born of such wedlock is called *chandala*. To discourage such unions they considered the issue born of such marriage as *chandala*. Let us see how this temple worship arose and what for temples were founded. We find in the Bhagavatham that in the Satya Yuga or Krita Yuga, there was one caste and the worship of God consisted in service to men and other bhutas. Such service of man is called bhuta seva. Afterwards when there was a gradual decadence of human nature, they found it difficult to serve humanity. They said that the men who had

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higher power of divinity in them should be worshipped by people having inferior divinity. That is why you find that Guru is considered as God himself. Image worship is a relic of the old custom. Today I may regard a certain gentleman as my Guru; afterwards I may find fault with him and may not regard him as worthy of worship. The worship of images would obviate all that. It is not intended for people most advanced either religiously or intellectually. If worship of images is intended for any at all, it is for the backward classes. Especially as the Brahmans think they are highly advanced both spiritually and intellectually and they consider that the so-called depressed classes are not so far advanced as they are, I think these depressed classes have a prior right to worship in the temple.

"That is one point. We call God Patitapavana—a person who rescues fallen people. If you consider these people as fallen people and God is Patitapavana, on that ground also these people have a prior right to worship in these temples. Then the third thing is evolution. You say every animal has got a right to be saved, that is, to Moksha. Man is superior to other animals. Supposing a rat or a cat goes into the temple and into the Garbhagribam, do you say that the image there is polluted? Man attains this state after going through a number of births; he is a human avatar as I would call it. I do not see any reason for any one saying that the entry of certain man into the temple pollutes the idol therein, but not the entry of a cat or rat. That is the evolution theory.

"Another thing I would submit is this. In these days, so long as people are really spiritually minded it matters very little whether they can get entry into the temple or not. The entry is claimed for these people, not because of their religious feeling but because of the fact that they should have equality of status with other caste. There is of course what I may call a label of inferiority attached to these classes. That label should be removed. How to remove it? First by allowing temple entry. If the temples are prepared to take them, that label will be removed first." (Hear, hear.)

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"Before the Government come to a decision on the questions raised in this resolution, the Government wish to have the opinion of this House. In order that the Government may be helped with a decision of this House, the Government do not wish to take part in the voting of this resolution—that is, neither the Government Members in the Reserved Half nor the nominated official Members will take part in the voting. The Government will be very glad to have the assistance of a decision on these questions by this House before Government themselves come to a decision on the several questions involved in this."

* Dr. P. Subbarayan:—"Mr. President, I am more than gratified with the result of my modest resolution. I myself was rather afraid that the opinion of the orthodox community in this House might be ranged against it, but I am glad to find that every one has supported this resolution.

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"Doubts have been thrown whether Sir Patro really supported the resolution. I am glad to find that he is wholly in support of this resolution. I am only surprised, Mr. President, that the leaders of the party in power, none of the Ministers, deigned to take part in this debate. It is rather surprising that on a first-class issue of this kind they should have given no lead to their party. But I hope that by their vote at least they will show their sympathy for this resolution. I can understand the speech made by the hon. the Law Member, because the hon. the Law Member, whatever may be his personal opinion, is bound by certain traditions of the Government and therefore, as a Member of the Reserved Half he could certainly not exercise freedom; and I am glad that he has said that the official Members of the Government are going to take no part in this voting and that he is going to watch what the opinion of this House would be on this matter. I hope this neutral attitude does not really mean that they are going to maintain a sphinx-like neutrality even when the House has given its opinion on the matter which I hope will be unanimous, but that they will see their way to introduce legislation as early as possible. A great deal can be done by the Transferred Half; the Religious Endowments Act is entirely in their charge. It is section 40 of that Act that stands in the way, and I hope that they will take steps to have this amended so that permission may be given to these people to enter the temples.

"I think it was Sir A. P. Patro who talked of the economic condition 4-4 p.m. of these people. We are very sorry for the economic condition of these people and I think that could be removed by raising their standards of living. I think every one of us not only the Hindu but also people belonging to other castes are interested in the uplift of these classes of people. I was glad to hear the speech of my hon. Friend, Mr. Yakub Hasan, and I hope he was voicing the sentiments of the Muslim community. My hon. Friend, Mr. Khalif-ul-lah, also supported his friend, Mr. Yakub Hasan. If we want to call ourselves Nationalists and if we are going to build the future Constitution of this country, it is but right that we should endeavour in every possible way to unite together on this question of temple entry. Of course it may be a minor question to some, but I do not think it so because if we are united together on this question, the very degradation will disappear. If we think that they are fit enough to enter into the temples, it is but right that they should enjoy all the other rights which other communities enjoy in this land. Mr. President, I hope this resolution of mine will be carried by a unanimous vote of this House."

The amendment was put and carried.

The resolution, as amended, was put and declared carried.

A poll was demanded and the House divided thus:—

Ayes.

1. Mr. K. P. Raman Menon.
2. ,, G. Ranganatha Mudaliyar.
3. ,, M. Devadasan.
4. Rao Sahib N. Siva Raj.
5. Subadar-Major S. A. Nanjappa Bahadur.

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Ayes—cont.

6. Diwan Bahadur C. S. Ratnasabhapati Mudaliyar.
7. Mr. B. P. Sesha Reddi.
8. ,, P. V. Rajagopala Pillai.
9. ,, V. G. Vasudeva Pillai.
10. ,, C. Indriah.
11. ,, P. Bayappa Reddi.
12. Rao Sahib V. Dharmalingam Pillai.
13. Raja of Bobbili.
14. Raja of Kallikote.
15. Zamindar of Mirzapuram.
16. Mr. M. A. Muthiah Chettiyar.
17. ,, A. V. Bhanoji Rao.
18. ,, H. B. Ari Gowder.
19. Rao Sahib P. Subrahmanyam Chetti.
20. Mr. S. A. A. Annamalai Chettiyar.
21. Zamindar of Kirlampudi.
22. Mr. D. V. Narasimhaswami.
23. ,, A. Harischandrudu.
24. ,, K. Kesava Ramamurti Nayudu.
25. Sriman M. G. Patnaik Mahasayo.
26. Dr. P. Subbarayan.
27. Mr. K. R. Venkatarama Ayyar.
28. Rao Bahadur T. A. Ramalingam Chettiyar.
29. Khan Bahadur P. Kalif-ul-lah Sahib Bahadur.
30. B. Pocker Sahib Bahadur.
31. Mr. V. P. Narayanan Nambiyar.
32. ,, M. A. Manikkavelu Nayakar.
33. Ahmed Miran Sahib Bahadur.
34. Mr. A. Ranganatha Mudaliyar.
35. ,, K. Koti Reddi.
36. ,, C. R. Parthasarathi Ayyangar.
37. ,, F. G. Luker.
38. ,, F. J. Stanes.
39. Rai Sahib C. Kolanda Reddi.
40. Mr. C. Satyanarayana Choudari.
41. Rao Bahadur Sir A. P. Patro.
42. Rao Bahadur C. Natesa Mudaliyar.
43. Mr. C. Basu Dev.
44. Diwan Bahadur S. Ellappa Chettiyar.
45. Rao Sahib D. Krishnamurti.
46. Khan Bahadur Yahya Ali Sahib Bahadur.
47. Mr. G. Sriramulu.
48. ,, H. M. Jagannatham.
49. Rao Sahib V. I. Muniswami Pillai.
50. Rao Bahadur R. Srinivasan.
51. Mr. G. R. Premayya.
52. ,, G. Lakshmana Reddi.
53. Mrs. K. Alamelumangathayaramma.
54. Rao Bahadur G. Jagannadha Raju.
55. Pandit Ganala Ramamurti.
56. Mr. Abdul Hameed Khan.

Neutral.

1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur.
2. ,, *Diwan Bahadur Sir* M. Krishnan Nayar.
3. ,, Sir Archibald Campbell.
4. ,, Mr. H. G. Stokes.
5. ,, Diwan Bahadur S. Kumaraswami Reddiyar.
6. ,, Mr. P. T. Rajan.
7. Mr. C. E. Jones.
8. ,, J. A. Thorne.
9. Mr. H. M. Hood.
10. ,, R. Madanagopal Nayudu.
11. ,, S. H. Slater.
12. ,, *E. Conran Smith.*
13. ,, T. Sundara Rao Nayudu.
14. Khan Bahadur Syed Tajuddin Sahib Bahadur.
15. Mr. Mahboob Ali Baig.
16. ,, K. M. Duraiswami Reddi.
17. ,, W. K. M. Langley.
18. ,, W. P. A. Soundara Pandian.
19. S. M. K. Beyabani Sahib Bahadur.

Ayes 56. *Neutral* 19.

The resolution was carried.

The House then adjourned to meet again at 11 a.m. the next day.

IV.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. [1] *U.O. Note No.* 22792–2, *Public (General), dated* 19*th October* 1932, *with reference to question No.* 149 *answered on* 5*th August* 1932.

2. [2] *U.O. Note No.* 22785–2, *Public (General), dated* 18*th October* 1932, *with reference to question No.* 82 *answered on* 3*rd August* 1932.

3. [3] *U.O. Note No.* 22788–2, *Public (General), dated* 19*th October* 1932, *with reference to question No.* 85 *answered on* 3*rd August* 1932.

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[1] Printed as Appendix VIII on page 267 infra.
[2] Printed as Appendix IX on page 268 infra.
[3] Printed as Appendix X on page 269 infra.

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4. [4] *G.O. No.* 4040, *L. & M., dated* 12*th October* 1932, *fixing the date of retirement of the members of the Melathur Panchayat.*

5. [4] *G.O. No.* 4047, *L. & M., dated* 12*th October* 1932, *notifying exemption of personal cars belonging to Their Highnesses the Maharaja of Jeypore and Jodhpur from payment of tax.*

6. [5] *U.O. Note from Public (Police), dated* 19*th October* 1932, *with reference to question No.* 94 *answered on* 4*th August* 1932.

7. [6] *U.O. Note No.* 22252–2, *Public (General), dated* 17*th October* 1932, *with reference to question No.* 9 *answered on* 2*nd August* 1932.

8. [7] *U.O. Note No.* 22786–2, *Public (General), dated* 19*th October* 1932, *with reference to question No.* 83 *answered on* 3*rd August* 1932.

9. [8] *U.O. Note No.* 22787–2, *Public (General), dated* 20*th October* 1932, *with reference to question No.* 84 *answered on* 3*rd August* 1932.

10. [9] *U.O. Note No.* 23943–2, *Public (General), dated* 21*st October* 1932, *with reference to question No.* 123 *answered on* 5*th August* 1932.

11. [10] *U.O. Note No.* 22789–2, *Public (General), dated* 20*th October* 1932, *with reference to question No.* 145 *answered on* 5*th August* 1932.

12. [11] *U.O. Note No.* 23939–2, *Public (General), dated* 21*st October* 1932, *with reference to question No.* 147 *answered on* 5*th August* 1932.

13. [12] *U.O. Note No.* 23935–1, *Public (General), dated* 20*th October* 1932, *with reference to question No.* 150 *answered on* 5*th August* 1932.

14. [13] *U.O. Note No.* 23942–2, *Public (General), dated* 20*th October* 1932, *with reference to question No.* 151 *answered on* 5*th August* 1932.

15. [14] *U.O. Note No.* 4319 *C*-3, *Law (General), dated* 19*th October* 1932, *with reference to the answer to the supplementary question to question No.* 77 *answered on* 3*rd August* 1932.

16. [15] *U.O. Note No.* 4330 *C*-3, *Law (General), dated* 19*th October* 1932, *with reference to the answer to the supplementary question to question No.* 76 *answered on* 3*rd August* 1932.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

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[4] Published in the *Fort St. George Gazette.*
[5] Printed as Appendix XI on page 270 infra.
[6] Printed as Appendix XII on pages 270–271 infra.
[7] Printed as Appendix XIII on page 272 infra.
[8] Printed as Appendix XIV on pages 272–273 infra.
[9] Printed as Appendix XV on page 274 infra.
[10] Printed as Appendix XVI on page 274 infra.
[11] Printed as Appendix XVII on page 275 infra.
[12] Printed as Appendix XVIII on page 276 infra.
[13] Printed as Appendix XIX on pages 276–277 infra.
[14] Printed as Appendix XX on page 278 infra.
[15] Printed as Appendix XXI on page 279 infra.

APPENDIX I.

[Vide answer to question No. 213 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 1st November 1932, page 156 supra.]

G.O. No. 992, Development, dated 25th July 1932.

READ—the following paper:—

From the Director of Fisheries, Ref. No. 1073-C/32, dated 8th July 1932.

Order—No. 992, Development, dated 25th July 1932.

In the circumstances explained the Government accept the recommendations of the Director of Fisheries that the fisheries elementary school at Kavvayi should continue to be mainly concerned with the education of fisher children.

(By order of the Government, Ministry of Education and Excise)

S. H. SLATER,
Secretary to Government.

To the Director of Fisheries.

APPENDIX II.

[Vide answer to question No. 232 asked by Sriman M. G. Patnaik Mahasayo at the meeting of the Legislative Council held on the 1st November 1932, page 168 supra.]

(1)

Report referred to in the answer to clause (*b*) of question No. 1290.

Copy of letter from the Collector of Vizagapatam, No. 4078/32-*A*-7, *dated the* 25*th August* 1932.

[Public Services—Vizagapatam Agency—Oriyas—Representation.]

Subordinate officers of the Revenue Department.—It is not possible to post Oriya-knowing officers to the Agency taluks, where the Court language or one of the Court languages is Oriya as there are practically no Oriya-knowing men on the establishment list of this district.

2. The Agency taluks, where Oriya is the sole Court language or one of the Court languages, have no separate establishment list, and the appointment of taluk officers to these taluks follows the ordinary rules governing the appointment of Deputy Tahsildars and Sub-Magistrates. A knowledge of Oriya has not been prescribed by the Government Order as a necessary qualification for appointment as taluk officer in these taluks, and it is not therefore until men are actually posted to these taluks that they have any opportunity of learning colloquial Oriya as spoken in the Agency tracts.

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3. Unless a knowledge of Oriya is made a necessary qualification for appointment as taluk officer in such taluks, and is prescribed by the Government, it appears doubtful whether the position can be improved, as under existing conditions, members of the district establishment, who have qualified for appointment as Deputy Tahsildar according to the statutory rules, cannot be passed over, merely because they do not know Oriya.

4. The other alternative is to recruit a certain number of Oriyas to the district establishment, but Oriyas do not appear able to qualify for appointment in the Revenue Department under the competitive examination—or else they do not desire to join the Revenue Department. *Even prior to the introduction of the competitive examination, few Oriyas appear to have applied for appointment as clerks in this district.*

5. *Subordinate officers of other departments.*—These officers are posted by heads of other departments and I am unable to say whether a knowledge of Oriya is regarded as one of the governing factors in making postings to the Agency.

6. So far as the Medical, Public Works, and Excise Departments are concerned, this point does not appear to be taken into consideration at all, as (i) with regard to the Medical Department service in the Agency for two years appears to be obligatory for every junior Sub-Assistant Surgeon irrespective of whether he knows Oriya or not, (ii) *most of the Public Works Department* subordinates appear to come from the south of the Presidency, (iii) in the Excise Department, appointments are made from all over the Northern Division and a knowledge of Oriya does not seem to be regarded as a " sine qua non " for the post of Sub-Inspector in the Agency Circles—as recently a Sub-Inspector was appointed to the Nowrangapur taluk who did not know even Telugu and who had to be transferred back to some area where his languages—Tamil and English—might be of some use to him.

7. In the Police Department, however, many of the constables and several of the Sub-Inspectors know Oriya, either being Oriyas from the Ganjam district or having picked it up during their service in the Agency. On the whole, there are more Oriyas or Oriya-knowing men in the Police Department in the Agency than in any other department.

8. *Gazetted officers.*—The Special Assistant Agents, Koraput and Parvatipur, and the District Superintendent of Police and Assistant Superintendent of Police, Koraput, have hitherto usually been European officers, who have taken Oriya as their second vernacular language while serving in the area.

(2)

Report referred to in the answer to clause (*e*) of question No. 1289.

Copy of letter from the Collector of Ganjam, D. Dis. No. 6226 *of* 1932, *dated 9th September* 1932.

[Public services—Oriyas—Ganjam district representation.]

It is a fact that since the institution of the system of recruitment to the various services through the Madras Services Commission the

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orders referred to are not being observed. The statutory service ru] require that the recruitment of persons to the Services should be consultation with the Madras Services Commission. Lists of select candidates are published from time to time and the Collector is bou to appoint them in the communal order. These lists show that t selected candidates for the Madras Ministerial Service are not perso knowing Oriya. Oriyas, though available cannot be appointed as cler as the concessions shown to them previously have been withdrawn l the statutory rules. In these circumstances it has been found impossil to maintain the proportion of Oriya clerks ordered to be maintained public offices in this district.

2. It is also true that persons with no knowledge of Oriya are bei recruited as clerks in the public offices of this district. This is becau the lists approved by the Madras Services Commission contain eith Telugus or Tamilians.

APPENDIX III.

[Vide answer to question No. 237 asked by Mr. A. Ranganatl Mudaliyar at the meeting of the Legislative Council held on t 1st November 1932, page 172 supra.]

Appendix showing details of specification, prices and condition of tractors

Particulars with specification.	Original cost. RS. A.	Remarks on condition.
At Nilambur—		
1. Holt Caterpillar Tractor 10 ton 40 H.P. No. 18714 complete with grousers Engine No. 28662. Received from Coorg. Revolutions per minute 750, Magneto H.K. No. 114366 with few tools.	6,253 4	Magneto gives troub Apart from this t machine is in good order.
At Beypore—		
2. Holt 5 ton Caterpillar Tractor No. 40373, H.P. 20.	24,928 11	Completely worn out. N worth repairing. Can l used only as a stationa driving engine.
3. Cleveland Cletrac Caterpillar Tractor, Engine Motor No. 40819, Tractor No. 11835. Complete with tools. Weidley motor.	3,200 8	Do.
4. Fordson Tractor complete on four road wheels No. 444060, 22-.b.h.p. at 1,000 revolutions per minute.	3,060 0	In good condition. Requir some replacements of part
At Top Slip—		
5. Fordson Tractor No. 142735 with M.A.C. Hoist Model A and 700 feet ½ inch diameter rope complete with tools.	6,327 5	Do.
At Olavakkot—		
6 and 7. Two Fordson Tractors equipped with two sets of Agricultural wheels Engine Nos. 686167 and 686168 Model Ford F. No. (1485-C) fitted with four-cylinder engine. Each motor develops 20-b.h.p. at 1,000 revolutions per minute.	4,876 0	In good condition.

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APPENDIX IV.

[Vide answer to question No. 248 asked by B. Pocker Sahib Bahadur at the meeting of the Legislative Council held on the 1st November 1932, page 182 supra.]

Statement showing the towns where the Mappilla State prisoners implicated in the Malabar rebellion of* 1921 *are confined.

Madras State Prisoners Regulation II of 1819.

District.	Town.	Number.	Remarks.
North Arcot	Arkonam	2	At large under Police surveillance.
	Vellore	4	
South Arcot	Villupuram	2	
Chingleput	St. Thomas' Mount	1	
Coimbatore	Coimbatore	1	
Kistna	Masulipatam	1	
Kurnool	Kurnool	2	
Madras	Madras	6	
Madura	Palni	1	
Tanjore	Kumbakonam	1	
	Muthupet	2	
	Nagore	1	
	Negapatam	1	
	Tanjore	1	
Tinnevelly	Palamcottah	1	
	Pettai	1	
Trichinopoly	Karur	2	
	Srirangam	1	
	Trichinopoly	3	
	Total	34	

Moplah Outrages Act, 1859.

District.	Town.	Number.	Remarks.
North Arcot	Polur	1	At large under Police surveillance.
	Vellore	2	
South Arcot	Cuddalore	1	
Salem	Salem	1	
Tanjore	Tanjore	1	
Trichinopoly	Trichinopoly	3	
Vizagapatam	Vizagapatam	1	
	Total	10	

Appendix V.

[Vide answer to question No. 249 asked by Mr. U. C. Subrahmanya Bhatt at the meeting of the Legislative Council held on the 1st November 1932, page 183 supra.]

Petition to the District Magistrate of South Kanara, Mangalore, dated 24th April 1932.

We, the undersigned, beg to submit the following on the recent police excesses in our district:—

1. We regret to find that the police of the district have been all along beating the Congress picketeers in a brutal and merciless manner. When questions were asked in the Legislative Council to ascertain whether such beatings were given under the orders of Government, it was stated by the Home Member that it was not the intention of Government that individual picketeers, less than five in number and who do not form an unlawful assembly, should be beaten, and if definite cases of the sort complained of were brought to the notice of the authorities, proper action would be taken.

2. After these assurances of the Home Member, as long as the Legislative Council was sitting in March last, the actions of the police in our district were apparently in keeping with such assurances. But no sooner the Council sittings were over the police have reverted to their former methods with redoubled vigour.

3. We recognize the necessity of Government taking adequate measures to put down lawlessness and disorder. But we believe that in the name of maintaining law and order the Government do not wish to resort to lawlessness themselves. It is therefore astounding that after such repeated assurances given by the Home Members at Madras and Delhi and even by the Secretary of State for India in the British Parliament, the police of our district should still continue their brutal attacks on picketeers even when they are less than five in number and the traffic on the roads is in no way hindered.

4. We desire to bring to your particular notice the following among other incidents that have taken place in various parts of our district from the 3rd to the 16th of this month (April).

At Mangalore.

5. On 3rd April 1932 three Congress volunteers, B. R. Kombrabail, Uggappa Payyade and Mahalinga Shetty, picketed the cloth shop of Messrs. R. B. Vasanth in Webster Market Street. There was a severe cane charge on them, each receiving 20 to 30 cuts which resulted in serious injuries.

6. On 6th April 1932 two volunteers, Laxman, aged about 16 years, and one K. Upendra Kini, picketed the cloth shop of Messrs. Kanji Bros. at Hampankatta. They were likewise severely caned, each receiving 15 to 20 beatings.

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7. On 8th April 1932 three volunteers, Seetharam, Babu Rao a Keshava Kamath (aged about 13 years), picketed the cloth shop Messrs. R. P. Rangaswami Chetti & Sons in Car Street. The beati of the first two volunteers was very severe and the wounds caused on first of them have not yet fully healed.

8. On the morning of 9th April 1932 two volunteers, K. Upen Kini and Sadashiva Mayya, went to picket the cloth shop of Mess Mulki Venkatraya Srinivasa Prabhu & Co. Mr. Nagappa Kama a partner of the said firm who was in the shop, not only did not obj to the picketing but asked the picketeers not to stand on the road in fr of the shop which they were then doing but invited them to sit in shop. So that, when soon after, Police Inspector Khan Saheb Schamı with his party came to the place the picketeers were seated on verandah-plank of the shop. The said Police Inspector dragged the two volunteers from the shop on to the public road in front a then ordered a beating which is too horrible to describe. The ends the sticks used for the beating went into shreds. The sticks were th reversed and the beating continued with the other ends until they a gave way.

9. On the evening of the same day, the shop of Messrs. R. B. Vasa in the Webster Market Street, referred to in paragraph 5 supra, picketed by three volunteers, T. Vasudeva Pai, Ramachandra She and Kumardas. They were severely beaten.

10. On 10th April 1932 the shop of Messrs. Kanji Bros. alre referred to was picketed by Keshava and Sankappa Shetty. They w very severely beaten, each receiving not less than 40 cane cuts. former was an in-patient in the Wenlock Hospital.

11. On 11th April 1932 the same shop was again picketed Mr. M. M. Rama Rao, M.A. (Hons.), and one Jayarama Shetty. incidents of this day have been reported to you shortly after in a st ment signed by some of the signatories to this memorandum and otl who were eye-witnesses to the occurrence, and have attracted wide att tion all over. The professor who is of young age and weak in body a brilliant Chemistry M.A. (Hons.) of the Madras University. He till about a week prior to the incident a professor in the local St. Aloys College and was deeply loved and respected by his students. He resig his post with a view to join the Civil Disobedience Movement. The he was beaten was particularly inhuman and brutal. He is still in-patient in the Wenlock Hospital and we are horrified to learn t his leg bone has been fractured by the beating. His self-sacrifice the beating he received at the hands of the police have created a se tion and an urge to suffering and sacrifice in others in the district elsewhere, and particularly amongst the student population, as noth else could have done.

12. Within a few minutes of the beating of Professor Rama Rao his co-volunteer two others, Mahalinga Shetty and Manjunath (a about 15 years) picketed the same shop again. They were also seve beaten.

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13. On 12th April 1932 as the immediate aftermath of the beatin on the previous day of Professor Rama Rao, two boys, Egbert Willia Fernandez and Alexander Pinto, belonging to the Catholic Communit of Mangalore, which has generally stood aloof from the Congress mov ment, went to picket the selfsame shop along with one Babu Shett a Hindu. All the three were beaten by the police, but the beating w far less severe than on the previous days.

14. On 13th April 1932 was the procession at which you were yourse present. Though but for your presence things should have been ve much worse, we are constrained to say that it was quite unnecessary have ordered a second beating on the processionists after they had fall to the ground. But we do not desire to say further on this question a procession, in our opinion, stands on a different footing from the ca of individual picketeers numbering less than five.

15. Severe as the beatings at Mangalore were our enquiries sho that they were far more cruel and brutal in the mufassal stations Kasaragod, Udipi, Coondapoor and Perdoor.

At Kasaragod.

16. On 10th April 1932 the shop of one Krishna Mallaya was picket by volunteers Rama Hegde and Gopal Nayar. Both were merciless beaten by Sub-Inspector Silva and four or five constables, pushe dragged, lifted up from the road on which they had fallen and aga beaten for a length of nearly a furlong on the public road and final left there, the former in a semi-conscious state. Rama Hegde had his person about 18 injuries and Gopal Nayar about 20.

17. On 16th April 1932, volunteers Beeranna and Doomanna K picketed the shop of Mr. K. Rama Nayak. The beating on both w very severe and other processes were similar to the cases related in t previous paragraph. The boy Beeranna had also a blow on his hea The beating was done by Sub-Inspector Annappaya and two constable The incident took place near the Court-house of the District Munsif Kasaragod and we learn that several pleaders and even the Distr Munsif were the unfortunate eye-witnesses to this occurrence.

At Udipi.

18. On 6th April 1932 Cherdappa *alias* Gopal Shenoy and Hariap Shenoy were very severely beaten at the instance of Sub-Inspect Sanjiva Rao whilst picketing the shop of one Velji Kallianji Shet.

19. On 7th April 1932 picketeers Rama Nai and Anantha Shet picketing the same shop were dealt with likewise.

20. On 12th April 1932 three Congress volunteers, Vaman Bh Ramaraya Puranika and Koraga Shetty, who were not picketing b going about in different parts of the town of Udipi, were taken in t evening to the police station by the police and kept there. We lea that the Sub-Magistrate of Udipi, whose office is located in the sa building who happened to be there till a late hour, had seen the bo

in police custody. After his departure the Police Sub-Inspector Saldanha and three reserve constables gave a merciless beating to the three boys and one of them with a fish tail causing severe pain. The boys were let off after the beating at about 9-30 p.m. with over a dozen injuries on each of them.

At Coondapoor.

21. The police at Coondapoor had a curious procedure of their own. On 3rd April 1932 two volunteers, B. Madappaya and a boy H. Sheena Shetty, aged about 15 years, were going on the road in Coondapoor town. Head constable Devappaya and a police constable took them to the shop of one Venkatramana *alias* Babaya Shanbhogue, a shop usually picketed previously by the Congress volunteers, and taking them there challenged them if they would picket the shop. They said 'yes.' On their so saying they were at once brutally assaulted and beaten. Two other boys, Mahabala Shetty and Mani Gopal, who were peacefully going about their business in another part of the town, were similarly brought by the police to the same shop and beaten likewise. Thereafter all the four were taken by the police to a place about three miles off, again beaten and left helpless. Some hours later on hearing the news arrangements were made by private persons at Coondapoor to bring them to the Hospital and have their injuries attended to.

22. On 9th April 1932 two picketeers, B. L. Adiga and Sanjiva Shetty, were similarly beaten and their injuries not attended to by the police.

At Perdoor.

23. In sheer inhuman cruelty the incident which took place on the 12th and 13th instant at Perdoor, a small town situated 12 miles from Udipi, surpasses all others. One Lakshminarayana Ballal, aged about 23 years, who has passed the S.S.L.C. Examination and was a teacher in the Perdoor National School, was singly picketing a toddy and an arrack shop, *lying close to each other near the infrequented village* road going from Perdoor to Bairampalli. The toddy and arrack shops are situated in an uninhabited place in the vicinity of Perdoor, there being no shop or habitation within a furlong all round. On the evening of the 12th instant when he was so picketing, Mr. Amiruddin, Sub-Inspector of Police at Brahmavar, and four constables came to the spot and asked him to go away. As he refused, a severe beating was administered to him by the Sub-Inspector and the constables. He was given not less than 100 cuts with canes and lathi. The beating was mostly below the knees and the arms below the elbow. Unable to stand the beating the volunteer dropped down several times. He was lifted again and again and beaten, pushed forcibly and beaten. Sometimes he was bodily raised from the ground and forcibly thrown down. His vesti (the lower cloth) was removed and beating administered on the bare body. The shirt got torn. His sacred thread was torn away. He was taken by the police to a vacant building which was formerly a police outpost and kept there in police custody till the noon of the next day when he was let off. At about 2 p.m. on the 13th, i.e., soon after

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he was let off, the volunteer with his legs swollen by the previous day's beating came limping to picket the same shops again. The same Sub-Inspector and his four constables again gave a severe beating. The beating was *directed on the swollen legs, the swollen parts* being very sensitive and painful. He fell down and was unconscious for hours. He was lying on the road in that motionless condition for some time. Later, the police carried him a few yards away and lifting up his body threw it over a fence on to an adjoining field. He was allowed to lie in that condition for about two hours directly under the sun, the police guarding him all the while. Some people wanted to give him some water and other help. The police prevented the same. Later, people were allowed to go near him. Some water was poured into his mouth but it would not get in. He continued in that unconscious condition. The police got fright and brought him again to the place where he was picketing and sent for the Rural Medical Practitioner of Perdoor. The news got round the town that the picketeer was dead. Hearing of it Mr. Bellanje Krishnaye Hegde, District Board Member and a rich landowner of the locality, and several other persons of Perdoor went and saw the volunteer in this unconscious condition. They remonstrated with the Sub-Inspector for the inhuman treatment. The volunteer regained consciousness at the dispensary at about 7-30 p.m. After about an hour the Sub-Inspector had him removed to the same vacant out-post. The next day he was put in a bus by the police and taken to a place called Parkala, 8 miles from Perdoor and 4 miles from the town of Udipi, and left on the roadside to shift for himself. He is now in the Government Hospital at Udipi as an in-patient. He is said to have 29 injuries on his body and 2 of them in a suppurated condition.

24. A narration of the above incidents has been made by us from reliable information and also from personal knowledge and enquiry by some of us.

Certain common features.

25. In most of the cases noted above, the persons who were beaten by the police had various injuries which will be borne out by the registers in the hospitals to which they were taken. There is one point, however, which greatly distresses us. In many instances, particularly in the mufassal stations, after causing severe injuries on these volunteers it is cruel to find that the police did not care to make any arrangement for their medical treatment. The case of Perdoor referred to above, the four volunteers of Coondapoor left 3 miles away, and the three volunteers beaten in the lock-up at Udipi are some of these. In the incident at Kasaragod referred to above, after dragging and beating the volunteers for over a furlong on the public road, they were not attended to by the police but had to shift for themselves and were treated by Dr. Bhandary, a private medical practitioner of that place. In Mangalore itself, though in the first some instances the volunteers were taken soon after the beating to the Government hospital, probably to avoid a correct recording of the injuries, the police have failed to do this in some later instances. For instance in the case of Professor Rama Rao, who was beaten on the evening of the 11th at about 4-30 p.m. he

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ras taken to the police lock-up and kept there till about 10 a.m. of the iext day without any medical aid in spite of the fact that his injuries rere serious. The case of Thimmappa Shetty, who was one of the rocessionists on the 13th instant, is another. He had nothing less than 0 to 40 cane blows and yet he was taken directly to the lock-up and is injuries attended to only on the morning of the next day. We onsider that this is a very grave state of affairs. We learn that when tripes are ordered to a criminal by a Magistrate, a doctor has got to be resent, the condition of the criminal as to his fitness to receive the tripes is certified to by the doctor, and after the injuries are inflicted hey are medically treated at once. But it pains us very much to see hat in the case of a civil resister, who surely is different from an rdinary criminal, the police are themselves the judges and executioners t once of the punishment they wish to award and to any extent they lease, and after inflicting the worst form of brutality are themselves o decide whether or no the injuries are to be treated. It appears to s to be thoroughly opposed to all considerations of humanity, let alone f civilized Government.

26. Another common feature of most of these beatings is that the athi and cane blows aimed with all vigour and force are particularly irected towards the ankle and the knee-joints. After a few beatings is impossible for any man or boy to stand erect without falling. 'rom sheer pain the legs do not support the body. Even after such alling down they are lifted up by constables on either side and then eaten again and again on the lower parts of their body. They are ushed forcibly and asked to go away from the place after rendering em physically unable to do so. And when they fall down after being pushed they are beaten over and over again. This is a piece of ihumanity which it is impossible to tolerate.

27. Except in the case of the procession referred to above, in all her cases where individual picketeers numbering less than five were eaten as aforesaid there was no question of the existence of an unlawful ssembly unless it be that the police themselves form one as they appear come to the scene of occurrence every time with a previous determinaon to inflict this illegal beating. There can be no talk of any ostruction to traffic either, since whenever these beatings take place olice patrol the streets and the sight-seeing crowds are held off at a istance by the police themselves.

28. We fail to understand the legality of these beatings or for any eed for them, particularly when we understand that no attempt is ade to arrest and take away the picketeers and no resistence is offered the picketeers for their being arrested and taken away.

29. The conduct of the police as seen from the above and similar cidents in the district is having an effect on the public the very verse of what is intended. If the object is to terrorize the public and stop the activity of the volunteers or the sympathy of the common iblic towards them, it has, in our district at any rate, signally failed achieve that purpose. These inhuman and heart-rending beatings

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on defenceless *passive resisters have shaken all public confidence in the* bona fides of the Government, have driven many who were apathetic to the movement in its earlier stages into being its active sympathizers, and so far as the actual number of volunteers willing to undergo such sufferings is concerned every such public exhibition of brutality has actually increased their number day by day. We are sorely grieved at the sad turn the affairs are taking in our district, which probably being situated in quite a remote corner of the Presidency, some of the police officials seem to think that anything can be done with impunity. We therefore feel it our imperative duty to give our respectful and emphatic warning to you, and through you to the Government, that brutalities like these have seriously undermined in the public eye the prestige and the sense of fairplay and justice of the Government as no act of these volunteers could ever have done. The sooner they are stopped the better it is for all concerned.

30. Such brutalities systematically inflicted as they have been in the district are also engendering in many a bitterness which might lead to violence. It may be that some of the police officials responsible for them wish for this result so that when there is a conflagration they may have a chance of using more cruel and stringent measures and obtain great honours for themselves for successfully handling such serious situations. Whatever honour or profit it might bring to individual officers the result to the public at large and especially to the law-abiding portion of it will be disastrous.

31. The matters alleged above are of so serious and urgent a nature that we request you to be pleased to hold a public enquiry into the above and similar incidents that have taken place in this district, to have the persons responsible for them suitably dealt with and to see that such events do not recur in the future, so that public confidence might be restored in the repeated assurances given by the Home Member and the Secretary of State, and in the anxiety of the Government to maintain law and order. And we on our part shall render every assistance in our power to help such an enquiry.

All communications in this matter may be addressed to Mr. A. B. Shetty, M.L.C., Attavar, Mangalore.

A. B. SHETTY, M.L.C.
U. C. S. BHATT, M.L.C.
J. A. SALDANHA, ex M.L.C.,
Advocate and Retired Assistant Sessions Judge.
Diwan Bahadur N. SUBBA RAO,
President, District Educational Council.
K. SADASIVA RAO,
Advocate, President, Taluk Board, Mangalore.
Nellikai VENKAT RAO,
Municipal Councillor and ex Chairman, Mangalore Municipal Council.
ABDUL KADIR ASADI,
ex Municipal Councillor and Landholder.

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M. MADHAVA RAO,
Vakil, Vice-Chairman, Municipal Council, Mangalore.

K. VITTAL SHETTY,
Chairman, Municipal Council, Mangalore.

P. R. PUNJA,
Advocate and President, District Temple Committee.

G. SOMASHEKAR RAO,
Vakil, Mangalore.

A. SRINIVASA PAI,
Advocate and President, Bar Association, Mangalore.

M. SHIVA RAO, L.R.C.P. & S. (Edin.),
President, District Medical Association.

M. S. MADHAVA RAO,
Order of the Brothers of Service.

J. MACHADO,
Municipal Councillor and Secretary, Indian Christian Civic League.

K. R. ACHAR, M.A., LL.B.,
Vakil, Mangalore.

K. R. KARANT,
Vakil and Municipal Councillor, Mangalore.

S. B. BHIDE,
Vakil, Mangalore.

APPENDIX VI.

[Vide answer to question No. 255 asked by Mr. U. C. Subrahmanya Bhatt at the meeting of the Legislative Council held on the 1st November 1932, page 187 supra.]

Name, age, etc., of persons sentenced to be flogged by the Joint Magistrate, Coondapoor, on 10th June 1932.

Serial number and name.	Age.	Sentence passed.
1. Macha	16	Six stripes.
2. Macha	20	Each ten stripes.
3. Govinda	22	
4. Venkta	21	
5. Masti	20	
6. Govinda	20	
7. Marla	16	Six stripes.
8. Manja	20	Each ten stripes.
9. Mata	20	
10. Kuppa	20	
11. Govinda	20	
12. Ganapa	15	Each six stripes.
13. Durga	15	
14. Govinda	20	Ten stripes.

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APPENDIX VII.

[Vide answer to question No. 259-A asked by Mr. V. T. Arasu at the meeting of the Legislative Council held on the 1st November 1932, page 192 supra.]

Proceedings of the Stationary Sub-Magistrate, Jayankondam, M.C. No. 8 of 1932, dated 3rd day of June 1932.

PRESENT:

M.R.RY. T. CHIDAMBARAM PILLAI, B.A.,

Stationary Sub-Magistrate, Jayankondam.

Whereas from an application and sworn statement made before me on 2nd June 1932 by the Sub-Inspector of Police, Jayankondam, Udayarpalaiyam and Kodukkur that assemblies, meetings and other demonstrations are being or likely to be organized or held in the undermentioned zamin villages attached to the Udayarpalaiyam zamindari against payment of rent legitimately due to the Udayarpalaiyam Zamindar and to offer resistance to the said zamin officials in the attachment of properties and whereas I am satisfied from the said reports and statements that such assemblies, meetings, demonstrations and resistance are likely to cause imminent breach of peace and disturbance of public tranquillity and are likely to interfere with the preservation of peace and public safety and that therefore such a situation is impending and as there is no time to have notices served on the party or parties, I, T. Chidambaram Pillai, B.A., Stationary Sub-Magistrate, Jayankondam, under the powers invested in me as such do hereby pass an emergent ex parte order under section 144, Criminal Procedure Code, and do hereby prohibit under the said section the holding of any such assembly, meetings or demonstrations of any kind by all or any of the public and direct the public generally to abstain from organizing, holding, attending or in any manner taking part in such assemblies, meetings or demonstrations in any public place, road or thoroughfare frequented by the public generally or to which the public or any section of the public has access within the limits of the said zamin villages and to offer resistance to the said zamin officials.

2. This order shall be in force for a period of two months from this date within the limits of the said villages so far as they lie within my jurisdiction.

(1) Edayar, (2) Karadikulam, (3) Pilakurichy, (4) Angarayanallur, (5) Kaduvettangurichy, (6) Nayaganaipirial, (7) Tennubilikurichy, (8) Elaiyur, (9) Melur, (10) Vellam and (11) Kuvathur villages.

Given under my hand and the seal of this Court, the 3rd day of June 1932.

Jayankondam,
3rd June 1932.

T. CHIDAMBARAM PILLAI,
Stationary Sub-Magistrate.

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APPENDIX VIII.

[Vide item IV—Papers laid on the table of the House—page 252 supra.]

PUBLIC (GENERAL) DEPARTMENT.

U.O. Note No. 22792-2, *dated* 19*th October* 1932.

With reference to the answer to clauses (*d*) and (*e*) of question No. 149 answered in the Legislative Council on the 5th August 1932, *the following information is laid on the table of the House:*—

* 149 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

* * *

(*d*) whether it is a fact that they (Congress volunteers who went in procession in Mangalore on 13th April 1932) were admitted into the Wenlock Hospital, Mangalore, for treatment; if so, whether the hon. the Home Member will be pleased to place a copy of the accident register or a statement of the District Medical Officer, regarding the number and nature of the injuries received by each of them; and

(*e*) what is the number of the police that were utilized to beat and disperse the said procession?

A.— * * *

(*d*) One volunteer was treated on 13th April 1932 as an out-patient in the Wenlock Hospital and another was admitted on 14th April 1932. As the accident register is a confidential record, the Government are not prepared to place an extract on the table of the House. The injuries were all contusions, due, apparently, to blows from canes.

(*e*) The number of police utilized for the purpose of dispersal was 10 or 12.

G. T. H. BRACKEN,
Chief Secretary.

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APPENDIX IX.

[*Vide* item IV—Papers laid on the table of the House—page 252 supra.]

PUBLIC (GENERAL) DEPARTMENT.

U.O. Note No. 22785-2, *dated the* 18*th October* 1932.

With reference to the answer to question No. 82 given in the Legislative Council on the 3rd August 1932, the following information is laid on the table of the House:—

82 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that on the 4th May 1932, the volunteers who were picketing foreign cloth shops peacefully with national flags in Bezwada were escorted by the sergeant and the police to the Krishna river bund and detained there till about 11 a.m. and then subjected to a severe cane and lathi charge;

(*b*) whether Balipalli Appalaswami and others who had so received injuries are treated in the Peoples' Hospital; if so, whether the hon. Member will be pleased to call for a statement from the medical officer in charge of the hospital regarding the number and nature of their injuries and place them on the table of the House; and

(*c*) what action the Government have taken or propose to take in the matter?

A.—(*a*) On 4th May 1932 at about 9 a.m. a batch of six volunteers went to the foreign cloth shops at Bezwada and began to picket and to lead a procession with "National Flags." The station-house officer ordered the volunteers to disperse, but they refused to do so and persisted in picketing. The station-house officer therefore dispersed them with a cane charge and the volunteers ran away. The allegation that the volunteers were taken to the river bund and kept there till about 11 a.m. and subjected to a severe cane and lathi charge is reported to be untrue.

(*b*) Five of the injured volunteers, including Balipalli Appalaswami, went to the "Peoples' Hospital" and were given first aid and sent away. Balipalli Appalaswami was admitted as an in-patient in the night and was kept in the "Peoples' Hospital" for about 4 days and then discharged. Enquiries were made regarding the injuries received but no information was available from the "Peoples' Hospital."

(*c*) None.

G. T. H. BRACKEN,
Chief Secretary.

APPENDIX X.

[Vide item IV—Papers laid on the table of the House—page 252 supra.]

PUBLIC (GENERAL) DEPARTMENT.

U.O. Note No. 22788-2, dated the 19th October 1932.

With reference to the answer to question No. 85 given in the Legislative Council on the 3rd August 1932, the following information is laid on the table of the House:—

85 *Q*.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(*a*) when were the 23 forest satyagrahis arrested for satyagraha in the Herur forest in Coondapoor taluk on the 16th May 1932 and when were they charged or released;

(*b*) whether they were given any food on 16th May 1932 when they were in Kirimanjeshwar school or later in the night when they were brought to the Baindur lock-up;

(*c*) whether the police gave them any food between the 17th and 20th May 1932 when they were in Baindur lock-up;

(*d*) whether any medical assistance was given to the satyagrahis; if so, when;

(*e*) whether it is a fact that as the police did not give them any food the people of Baindur, out of pity, served food to the arrested prisoners in the Baindur lock-up between the 17th and 20th May 1932; and

(*f*) what action the Government have taken or propose to take in the matter?

A.—(*a*) Nineteen persons were arrested in the forenoon of the 16th May 1932. Of these, 18 were put into the police lock-up and one was released but kept under surveillance. The remaining 18 were also released the next afternoon, though they continued to be under police surveillance till they were charged and produced before the Joint Magistrate, Coondapoor, on 20th May 1932.

(*b*) The brother-in-law of one of the 19 satyagrahis provided refreshments for all of them at 6 p.m. on 16th May 1932 and one Rama Aithala brought them jaggery and water at 1 p.m. in the Kirimanjeshwar school. They were then taken to the Baindur lock-up.

(*c*) The police gave them food in the forenoon of 17th May 1932 when they were in the lock-up. They were not in the police lock-up from the afternoon of 17th May 1932 and so there was no necessity for the police to feed them.

(*d*) No medical assistance was given, as it was not found necessary.

(*e*) Vide the answer to clause (*c*) above.

(*f*) None.

G. T. H. BRACKEN,
Chief Secretary.

APPENDIX XI.

[Vide item IV—Papers laid on the table of the House—page 253 supra.]

PUBLIC (POLICE) DEPARTMENT.

U.O. Note, dated the 19th October 1932.

[SUBJECT.—*Civil disobedience movement—Expenditure incurred on feeding the police—Legislative Council Question No.* 94.]

With reference to the Legislative Council Question No. 94 answered on the 4th August 1932, the following information is laid on the table of the House:—

(*a*) The total expenditure incurred on feeding the police in connection with the civil disobedience movement from January to March 1932 was Rs. 50,247–7–10 and that incurred from April to June 1932 was Rs. 45,714–14–0.

(*b*) The persons concerned were not paid their usual daily allowance for the days on which they were fed at Government expense. The amount of daily allowance saved during January to March 1932 was Rs. 34,531–6–8 and that saved during April to June was Rs. 29,023–3–4.

G. T. H. BRACKEN,
Chief Secretary.

APPENDIX XII.

[Vide item IV—Papers laid on the table of the House—page 253 supra.]

PUBLIC (GENERAL) DEPARTMENT.

U.O. Note No. 22252-2, dated the 17th October 1932.

With reference to the answer to the question No. 9 given in the Legislative Council on the 2nd August 1932, the following information is placed on the table of the House:—

9 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state—

(*a*) whether the police searched the premises of the Khadi Depot of the Andhra Branch of the All-India Spinners' Association at Nidadavole; and

(*b*) whether they seized any account books, and if so, what books, how many and why; and whether they have been since returned, if not why not?

A.—(*a*) Yes.

(*b*) The police seized 37 accounts and connected books, a list of which is appended, in order to ascertain whether the funds of the depot were utilized for the furtherance of the unlawful activities of the Congress. The accounts and books seized were subsequently returned to the manager of the depot.

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List of books seized during the search of Khadi Depot at Nidadavole on 2nd February 1932.

1. A book regarding boycotting of foreign cloth printed by Jayaram Press 1
2. A book about the birth of Gandhi Mahatma printed on 22nd September 1931 1
3. A book containing the methods of All-India Spinners' Association, dated 15th July 1931 1
4. Khaddar stock book 1
5. List of stock book 1
6. Lists of payments of salaries 1
7. A book containing letter of correspondence 1
8. Old stock book 1
9. Indent book of khaddar 1
10. Indent invoice book 1
11. Letter despatch book 1
12. Letter receipt book 1
13. Old stock hook 1
14. Averja book from 15th January 1930 to 13th August 1930 1
15. Averja book from 17th May 1926 to 8th July 1928 ... 1
16. Averja chitta book 1
17. Circulars regarding khaddar propaganda 1
18. A book containing vouchers 1
19. Report of Auditor 1
20. Khaddar sale bill books 9
21. Chitta, dated 1st October 1930 1
22. Letter file book from 28th July 1931 to 26th January 1932 1
23. Letter book from 7th May 1930 to 18th August 1930. 1
24. Letter book from 19th November 1930 to 4th July 1931 1
25. Letter book from 14th May 1930 to 12th November 1930 1
26. Letter book from 16th June 1929 to 26th September 1930 1
27. Letter book from 21st February 1930 to 6th May 1930 1
28. Letter book from 28th February 1930 to 19th December 1930 1
29. Post records 9
30. Books relating to Ratam and Maggam 13
31. Book relating to trial balance from 28th September 1928 to September 1929 1
32. Book relating to trial balance for 1929 and 1930 ... 1
33. Stock balance list 1
34. Price list of khaddar 1
35. Audit book from 1925 to 1926 1
36. Old stock balance lists 4
37. Letters relating to the Spinners' Associations ... 66

G. T. H. Bracken,
Chief Secretary.

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Appendix XIII.

[Vide item IV—Papers laid on the table of the House—page 253 supra.]

Public (General) Department.

U.O. Note No. 22786-2, dated the 19th October 1932.

With reference to the answer to question No. 83 given in the Legislative Council on the 3rd August 1932, the following information is placed on the table of the House:—

83 *Q.*—Mr. U. C. Subrahmanya Bhatt: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that Mr. K. Sundara Rao, B.A., LL.B., and several others sent a statement or a petition, dated 21st May 1932, to the Collector of South Kanara detailing the excesses committed by the police and the forest guards on the Congress volunteers who went to break the forest laws in the Herur Reserve Forest of Coondapoor taluk on 16th May 1932; if so, whether the hon. the Home Member will be pleased to place a copy of the same on the table of the House;

(*b*) whether the Collector of South Kanara enquired into the said petition; if so, what the result of the same is; and on whose evidence the enquiry is based; and

(*c*) what action the Government have taken or propose to take in the matter?

A.—(*a*) *to* (*c*) No such petition or statement was received by the Collector of South Kanara from Mr. K. Sundara Rao and others.

G. T. H. Bracken,
Chief Secretary.

Appendix XIV.

[Vide item IV—Papers laid on the table of the House—page 253 supra.]

Public (General) Department.

U.O. Note No. 22787-2, dated the 20th October 1932.

With reference to the answer given to question No. 84 in the Legislative Council on the 3rd August 1932, the following information is laid on the table of the House:—

84 *Q.*—Mr. U. C. Subrahmanya Bhatt: Will the hon. the Home Member be pleased to state—

(*a*) whether on 16th May 1932 one Laxminarayanamurti, the standard bearer of the forest satyagrahis of Herur forest, Coondapoor taluk, was given about ten or twelve blows with the flagstaff which the boy had carried;

1st November 1932]

(*b*) whether one Balagone Venkataramana Hebbara, who was another of the said satyagrahis, was giveo two blows on the head with cudgel and whether, when his clothes were besmeared with blood resulting from the wounds caused on the head, the police removed all the clothes from his body and took them away; and

(*c*) whether it is a fact that one Karyavirya Subba and another who accidentally happened to come to the said place of forest satyagrahis was beaten and whether the former's clothes were also removed and torn?

A.—(*a*) On 16th May 1932, there was an unlawful assembly of more than nineteen volunteers in the Herur reserve forest engaged in cutting trees in contravention of Forest laws. They refused to disperse when warned by the police, so they were dispersed by a light cane charge. Laxminarayanamurti, who was a member of that unlawful assembly, may have received a few cuts, but he made no complaint to the Joint Magistrate when charged before him on 20th May 1932.

(*b*) Balagone Venkataramana Hebbara was a member of the unlawful assembly. The injury on his head is reported to have been caused by the falling of a branch of a tree in the forest.

The blood-stained clothes were not removed by the police. They are reported to have been removed by Hebbara's relatives who gave him fresh clothes.

(*c*) Kharvi Subba, who is presumably the person referred to as Karyavirya Subba, was according to the evidence before the Joint Magistrate, Coondapoor, one of those who actually took part in the forest satyagraha as admitted by him at the trial. The other person referred to in the question is one V. Bhatta who was also arrested at the time for taking part in forest satyagraha. Kharvi Subba's clothes were not removed or torn. They made no complaint to the Joint Magistrate, Coondapoor, in Court.

G. T. H. Bracken,
Chief Secretary.

APPENDIX XV.

[Vide item IV—Papers laid on the table of the House—page 253 supra.]

PUBLIC (GENERAL) DEPARTMENT.

U.O. Note No. 23943-2, *dated the 21st October* 1932.

With reference to the answer to question No. 123, given in the gislative Council on the 5th August 1932, the following information laced on the table of the House:—

123. *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home nber be pleased to state—

(*a*) whether it is a fact that in May 1932 the Police beat Mr. Atluri aramaya of Vanapamula in Bezwada and that his ribs were broken account of the severity of the lathi blows given by the Police; and

(*b*) if so, under what circumstances was the said beating given where, and whether the Police gave him medical assistance after beating; if so, will the hon. the Home Member be pleased to place the table of the House a statement showing the number and nature he injuries received by him and the remarks of the medical officer attended regarding the same?

A.—(*a*) It is reported that the person in question was not beaten on any occasion in May and that his ribs have not been broken.

(*b*) Does not arise.

G. T. H. BRACKEN,
Chief Secretary.

APPENDIX XVI.

[Vide item IV—Papers laid on the table of the House—page 253 supra.]

PUBLIC (GENERAL) DEPARTMENT.

U.O. Note No. 22789-2, *dated the 20th October* 1932.

With reference to the answer to clause (*c*) of question No. 145, given the Council on the 5th August 1932, the following information is ed on the table of the House:—

The two picketers referred to were admitted into the "Peoples' pital." No information as to the number and nature of the injuries ived by them can be got from the hospital.

G. T. H. BRACKEN,
Chief Secretary.

APPENDIX XVII.

[Vide item IV—Papers laid on the table of the House—page 263 supra.]

PUBLIC (GENERAL) DEPARTMENT.

U.O. Note No. 23939-2, dated the 21st October 1932.

With reference to the answer to question No. 147, given in the Legislative Council on the 5th August 1932, the following information is placed on the table of the House:—

* 147 *Q.*—MR. U .C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that on 13th April 1932, the "Jallianwalabhag Day," two batches of eight volunteers each went out in procession in Bezwada and the Police beat them severely with lathis;

(*b*) whether it is a fact that one of the said volunteers Banka Yedugondalu, even after he fell down unconscious after the beating, was three times raised up and beaten by the sergeants again and again and that his left leg was fractured;

(*c*) whether it is a fact that another of the said volunteers, Mr. Yanduri Veeraraghavayya, was beaten on his testicles on that day; and

(*d*) whether it is a fact that Mr. Kambhampati Venkateswara Rao, another of the said volunteers, was lifted up even after he fell unconscious and beaten by the sergeants and was severely injured under his left eye?

A.—(*a*) On 13th April 1932 four batches of volunteers went out in procession in Bezwada. The first batch consisted of 12, the second batch of 6, the third batch of 7, and the fourth batch of 8 volunteers. The volunteers were ordered to disperse, but they refused to do so and showed a defiant attitude, whereupon they were forcibly dispersed. They were not beaten severely with lathis. The third batch was removed from the bazaar to a road close to the anicut, and they were subsequently let off.

(*b*) Banka Yedugondalu did not fall down unconscious, nor was he repeatedly beaten. His left leg was not fractured.

(*c*) Enduri Veeraraghavayya was not beaten on his private parts.

(*d*) Kambhampati Venkateswara Rao did not fall unconscious. He fell on a dealwood box on the side of the road and his eye was injured thereby. He was not struck on the eye.

G. T. H. BRACKEN,
Chief Secretary.

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Appendix XVIII.

[Vide item IV—Papers laid on the table of the House—page 253 supra.]

PUBLIC (GENERAL) DEPARTMENT.

U.O. Note No. 23935-1, *dated 20th October* 1932.

With reference to the answer given to question No. 150 in the Legislative Council on the 5th August 1932, the following information is laid on the table of the House:—

150. *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that picketers in Mangalore are arrested in the evening since the beginning of this month, taken to the lock-up and detained in the night and let off next morning at about 9 a.m.; and

(*b*) if so, whether it is a fact that they are not really supplied with any food though the Stationhouse officer daily makes a bill for their feeding charges?

A.—(*a*) & (*b*) The attention of the hon. Member is invited to the answer to question No. 151 placed on the table of the House. If any case of failure by an officer in charge of a police station to use the money provided for feeding is brought to notice, the matter will be investigated.

G. T. H. BRACKEN,
Chief Secretary.

Appendix XIX.

[Vide item IV—Papers laid on the table of the House—page 253 supra.]

PUBLIC (GENERAL) DEPARTMENT.

U.O. Note No. 23942-2, *dated the 20th October* 1932.

With reference to the answer to question No. 151 given in the Legislative Council on the 5th August 1932, the following information is laid on the table of the House:—

151. *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that in Mangalore since the beginning of July picketers are arrested and kept in the lock-up during the nights and released next morning at about 9 a.m.;

(*b*) whether just before they are put in the floor of the lock-up it is watered profusely;

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(*c*) whether all the clothes of the picketers are removed by the Police except a small loin cloth;

(*d*) whether it is a fact that they are not given any food at night;

(*e*) whether it is a fact that they are not given any clothes or mats to lie upon but are made to lie on the wet floor without any clothes starving and half-naked; and

(*f*) what action have the Government taken or propose to take in the matter?

A.—(*a*) The procedure was not adopted for the first time in July nor is it peculiar to the case of picketers. Persons temporarily detained in the lock-up may be released at any time if it is decided by the District Superintendent of Police not to prosecute.

(*b*) When the lock-up has to be used on two or more consecutive days it has to be washed on the second day if the occupants have made the floor dirty. This is done in the interest of cleanliness and decency. It is possible that in wet weather the floor may occasionally remain damp.

(*c*) No.

(*d*) The sub-jail feeding hours are between 5 and 6 p.m. If picketing is done late in the evening the picketers cannot be fed as it is then too late to arrange meals for them.

(*e*) Clothing is not provided in lock-ups as arrested persons are allowed to retain their own clothes.

(*f*) None.

G. T. H. BRACKEN,
Chief Secretary.

[1st November 1932

Appendix XX.

[Vide item IV—Papers laid on the table of the House—page 253 supra.]

LAW (GENERAL) DEPARTMENT.

U.O. Note No. 4319 *C*-3, *dated the* 19*th October* 1932.

With reference to the answer to the supplementary question to Legislative Council Question No. 77, answered on 3rd August 1932, the information contained in the annexure hereto is placed on the table of the House.

Annexure.

* 77. *Q.*—Mr. U. C. Subrahmanya Bhatt: Will the hon. the Law Member be pleased to state—

(*a*) when 'A' class prisoners suffer from illness and are sent to the General Hospital for treatment, in which ward they are placed ; and

(*b*) what the cost per head is in ward in which they are placed then and what the cost allowed for 'A' class prisoners in the jails is ?

A.—(*a*) In special wards.

(*b*) The answer to the first part of the question is that the cost per head per day varies from Rs. 10 to Rs. 15. The answer to the second part of the question is that the food supplied to a healthy 'A' class prisoner varies within a limit of eight annas per diem.

V. N. Viswanatha Rao,
Secretary to Government.

APPENDIX XXI.

[Vide item IV—Papers laid on the table of the House—page 253 supra.]

LAW (GENERAL) DEPARTMENT.

U.O. Note No. 4330 *C-3, dated the* 19*th October* 1932.

With reference to the undertaking given by the hon. the Law Member in answer to the supplementary question to Legislative Council Question No. 76, answered on 3rd August 1932, the information contained in the annexure hereto is placed on the table of the House.

Annexure.

Statement showing the names, etc., of civil disobedience prisoners who suffered *from appendicitis from January to* September 1932.

Jails.	Names of prisoners.	The class in which they were placed.	The jails in which they got the attack.	The cause of the disease.	Treatment given to each with information as to where it was given and with what results.
Central Jail, *Vellore.*	Satyamurti.	A	Central Jail, *Vellore.*	Oral and intestinal sepsis From the *time when he was* admitted into this jail he was complaining of irregular attacks of pain in the abdomen. The case was diagnosed as chronic appendicitis.	The patient was transferred to the *General Hospital,* Madras, for X-Ray examination and for operative treatment. He is still an in-patient of that hospital. His unconditional release has since been sanctioned.
Do.	L. S. Prabhu.	A	Do.	Chronic constipation. He had two attacks of appendicitis when he was outside for which he had palliative treatment. He had a relapse of it in this jail.	Was treated at the General Hospital, Madras, where he was operated upon and discharged cured.
Central Jail, Trichinopoly.	Kali Mudali.	C	Outside the jail.	Chronic constipation —seven years' duration.	Was treated in the Jail hospital from 27th May 1932 to 17th June 1932 and then he was transferred to the Government Head-quarter Hospital, Trichinopoly, where he was operated upon and discharged cured.

V. N. VISWANATHA RAO,
Secretary to Government.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Wednesday, the 2nd November 1932.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT:

Usman Sahib Bahadur, Kt., The hon. *Khan Bahadur Sir* Mahomed.
Krishnan Nayar, *Kt.*, The hon. Diwan Bahadur Sir M.
Campbell, K.C.I.E., C.S.I., O.B.E., V.D., I.C.S., The hon. Sir Archibald.
Stokes, C.S.I., C.I.E., I.C.S., The hon. Mr. H. G.
Muniswami Nayudu, The hon. Diwan Bahadur B.
Rajan, The hon. Mr. P. T.
Kumaraswami Reddiyar, The hon. Diwan Bahadur S.
Abdul Hameed Khan Sahib Bahadur.
Ahmed Meeran Sahib Bahadur.
Alagannan Chettiyar, Rao Sahib A. S.
Alamelumangathayaramma, Mrs. K.
Annamalai Chettiyar, Mr. S. A. A.
Appu Nayar, Mr. P.
Arasu, Mr. V. T.
Ari Gowder, Mr. H. B.
Basheer Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Bayappa Reddi, Mr. P.
Beyabani Sahib Bahadur, S. M. K.
Bhanoji Rao, Mr. A. V.
Birley, Mr. F.
Davis, Mr. J. A.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Duraiswami Reddiyar, Mr. K. M.
Ellappa Chettiyar, Diwan Bahadur S.
Foulkes, Mr. R.
Harischandrudu Nayudu, Mr. A.
Hood, I.C.S., Mr. H. M.
Indriah, Mr. C.
Jagannadha Raju, Rao Bahadur G.
Jagannatham, Mr. H. M.
Jayaram Nayudu, Rao Sahib C.
Jones, I.C.S., Mr. C. E.
Kesava Ramamurti Nayudu, Mr. K.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
Kolanda Reddi, Rai Sahib C.
Koti Reddi, Mr. K.
Krishnamurti, Rao Sahib D.
Krishnan, Mr. C.
Kumara Raja of Venkatagiri, The
Langley, Mr. W. K. M.
Luker, Mr. F. G.
Madanagopal Nayudu, Mr. R.
Maharaja of Venkatagiri, The
Mahboob Ali Baig Sahib Bahadur.
Manikkavelu Nayakar, Mr. M. A.
Moses, Mr. P. C.
Muniswami Pillai, Rao Sahib V. I.
Murugappa Chettiyar, Diwan Bahadur A. M. M.
Muthiah Chettiyar, Mr. M. A.
Muthu Chettiyar, Rao Bahadur P. C.
Nanjappa Bahadur, Subadar-Major S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Mr. D. V.
Narayanan Nambiyar, Mr. V. P.
Natesa Mudaliyar, Rao Bahadur C.
Palat, Mr. R. M.
Pannirselvam, Rao Bahadur A. T.
Parthasarathi Ayyangar, Mr. C. R.
Patnaik Mahasayo, Sriman M. G.
Patro, *Kt.*, Rao Bahadur Sir A. P.
Pattabhiramayya, Mr. K.
Pattagar of Palayakottai, The
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Raja of Bobbili, The
Raja of Kallikote, The
Ramachandra Padayachi, Mr. P. K.
Ramakrishna Reddi, Mr. A.
Ramalingam Chettiyar, Rao Bahadur T. A.
Ramamurti, Pandit Ganala.
Raman Menon, Mr. K. P.
Ramaswami Ayyar, Mr. T. S.
Ranganatha Mudaliyar, Mr. A.
Ranganatha Mudaliyar, Mr. M. D. T.
Rangaswami Reddi, Mr. M. B.
Sami Venkatachalam Chetti, Mr.
Satyanarayana Choudari, Mr. C.
Sesha Reddi, Mr. B. P.
Siva Raj, Rao Sahib N.
Slater, C.M.G., C.I.E., I.C.S., Mr. S. H.
Smith, C.I.E., I.C.S., Mr. E. Conran.
Soundara Pandian, Mr. W. P. A.
Sreshta, Mr. M. S.
Srinivasan, Rao Bahadur R.
Sriramulu, Mr. G.
Stanes, Mr. F. J.
Subbarayan, Dr. P.

PRESENT—*cont.*

Subrahmanya Chetti, Rao Sahib P.
Subrahmanya Bhatt, Mr. U. C.
Sundara Rao Nayudu, Mr. T.
Syed Tajuddin Sahib Bahadur, Khan Sahib.
Thomas, Mr. Daniel.
Thorne, C.I.E., I.C.S., Mr. J. A.
Vasudeva Pillai, Mr. V. G.
Vedachala Mudaliyar, Mr. M.
Venkatarama Ayyar, Mr. K. R.
Venugopal Nayudu, Rao Bahadur R. K.
Wright, Mr. W. O.
Yahya Ali Sahib Bahadur, Khan Bahadur.
Yakub Hasan Sahib Bahadur.
Zamindar of Kirlampudi, The
Zamindar of Mirzapuram, The

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Criminal Tribes

Inclusion of the Dandasis of Ganjam under the Criminal Tribes Act.

* 261 *Q.*—Sriman M. G. PATNAIK Mahasayo: Will the hon. the Home Member be pleased to state—

(*a*) how many Dandasis registered under the Criminal Tribes Act own lands and live by cultivation;

(*b*) the percentage of criminals in the Dandasi caste with reference to the population of Dandasis in the district of Ganjam;

(*c*) whether notifications under section 3 of the Criminal Tribes Act are issued with reference to any standard adopted by the Government;

(*d*) if so, what the standard is;

(*e*) if not, the data on which the Government determine that a particular class should be declared to be a criminal tribe for purposes of the Criminal Tribes Act; and

(*f*) whether the Government will be pleased to place on the table the data on which the Dandasis of the Ganjam district were notified to be a criminal tribe under section 3 of the Criminal Tribes Act?

A.—(*a*) 267.

(*b*) 9·35 per cent.

(*c*) Yes.

(*d*) & (*e*) A tribe is notified only if Government are convinced that the members of the tribe are addicted to the systematic commission of non-bailable offences.

(*f*) A copy [a] of the note of the District Superintendent of Police, Ganjam district, dated 13th December 1922 and of G.O. No. 116,[a] Judicial (Police), dated 13th March 1923, are laid on the table.

Labour

Views of the Local Government on the recommendations made by the Royal Commission on Labour.

* 262 *Q.*—Mr. A. B. SHETTY: Will the hon. the Home Member be pleased to state—

(*a*) whether the Government of Madras were invited to express their views on the various recommendations of the Royal Commission on Labour;

[a] Printed as Appendix I on pages 376–384 infra.

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(*b*) if the answer to clause (*a*) is in the affirmative, whether the Local Government consulted the employers of Labour and the Trade Unions before they submitted their views; and

(*c*) whether he will place the communications embodying the views of the Government of Madras on the table of the House?

A.—(*a*) In regard to certain recommendations involving Central legislation and those requiring administrative action by the Government of India, the Government of Madras were invited to express their views.

(*b*) The Government invariably ascertain the views of the representatives of employers and employees through the Commissioner of Labour.

(*c*) No.

Laccadives

Expenditure on account of the inspection of the Laccadives.

* 263 *Q.*—Mr. A. B. SHETTY: Will the hon. the Home Member be pleased to state—

(*a*) what amount the Government spend for the inspection of the Laccadives;

(*b*) whether the trawler "Lady Goschen" was being used for this purpose; and

(*c*) whether the question of repairing and retaining this vessel for the purpose of this inspection was considered by the Government before they decided to dispose of it as recommended by the Retrenchment Committee?

A.—(*a*) The cost of inspection during 1930–31 was as follows:—

	RS.	A.	P.
(i) Hire of steamer for inspection ...	24,374	0	0
(ii) Pay of officers	1,123	3	0
(iii) Pay of establishments including allowances	764	5	0
(iv) Travelling allowances	1,483	14	6
(v) Contingencies	1,607	7	7
(vi) Discretionary grants	1,337	7	8
	30,690	5	9

(*b*) The "Lady Goschen" was used only in 1929 and 1931. In 1929, she was used to tow the "Lady Nicholson" and the latter vessel accommodated the inspection party. In 1931, the inspection was begun with the "Lady Goschen" but she was disabled before the inspection was completed owing to damaged boilers. A private vessel had to be employed for completing the inspection.

(*c*) Yes.

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Law and Order—General

Enquiry held by the District Magistrate, South Kanara, and the District Suprintendent of Police into alleged Police excesses.

* 264 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that the District Magistrate of South Kanara held an enquiry after giving notice to the deputationists who waited on him on deputation on 24th April 1932, and examined the witnesses tendered by them in connexion with the Police excesses in Mangalore and Perdur; if so, whether the hon. the Home Member will be pleased to place a copy of the report of the District Magistrate on the table of the House;

(*b*) whether it is a fact that the District Magistrate gave notice of the enquiry held by him to the Police, and that the Police non-co-operated with the same; if so, why they did not take part in the enquiry held by the District Magistrate;

(*c*) whether it is a fact that subsequent to the report of the Collector, the District Superintendent of Police of South Kanara has been holding an enquiry into the very same cases already enquired into by the District Magistrate; if so, what the purpose is of the said enquiry and at whose instance was the enquiry held; and

(*d*) whether it is a fact that the District Superintendent of Police did not give any notice to the deputationists who had taken part in the previous enquiry by the District Magistrate on the same allegations of excesses; if so, why was no notice given to them ?

A.—(*a*) An enquiry was held by the District Magistrate in connexion with the allegations of Police excesses in Mangalore and Perdur. The Government are not prepared to place the report of the District Magistrate on the table of the House.

(*b*) & (*c*) The enquiry held by the District Magistrate was of a general character. The presence of Police officers was not found necessary at this stage. As a result of the District Magistrate's enquiry the Inspector-General of Police was directed to arrange for a departmental enquiry in accordance with the rules with a view to taking such disciplinary action as might be found necessary against individual officers of the Police department.

(*d*) Such of the deputationists as had given evidence before the District Magistrate were re-examined by the District Superintendent of Police.

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether it is a fact that the Police did not give evidence before the Collector, because they did not want their witnesses to be cross-examined?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" As I have already stated, the District Magistrate's enquiry was of a general nature and the presence of Police officers was not thought to be necessary."

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Mr. ABDUL HAMEED KHAN:—"May I ask how the hon. the Home Member proposes to reconcile the two statements he has made in one answer? First of all he says that the enquiry made by the District Magistrate was of a general nature and that the presence of Police officers was not found necessary. Then he says that the Inspector-General of Police was asked to make a departmental enquiry in accordance with the rules with a view to taking such disciplinary action as might be found necessary against individual officers of the Police Department. I want to know why in the later departmental enquiry, the very same witnesses examined by the Collector were examined also by the District Superintendent of Police?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"The enquiry made by the District Magistrate was of a general nature. After the enquiry, he reported to the Government that he was not satisfied with the conduct of the Police. Therefore we asked the Inspector-General of Police to make an enquiry according to the rules and report to the Government, so that the Government may decide whether any disciplinary action is necessary."

Mr. ABDUL HAMEED KHAN:—"Was not the evidence recorded by the Collector of any value? Why were the witnesses re-examined by the District Superintendent of Police?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"They have to be re-examined all the same."

Mr. BASHEER AHMED SAYEED:—"May I know what action has been taken as a result of the enquiry?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"The Inspector-General has not yet submitted his report to the Government."

Mr. BASHEER AHMED SAYEED:—"How long will it take for the Inspector-General to submit his report?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I cannot say."

Electricity

Liability of private Electric Supply Companies to pay interest on deposits from customers.

* 265 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Law Member be pleased to state—

(*a*) whether private electricity supply companies are required by the Government to take deposits from customers and pay interest on the same to the customers; and

(*b*) whether it is a fact that such payment of interest on deposits is enforced on *all the private companies in the Presidency except the*

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Madras Electric Supply Corporation; if so, why is it that the rule is not enforced against the Madras Electric Supply Corporation?

A.—(*a*) An electric supply licensee may demand security from his consumers and in such cases provision for payment of interest on the deposits is ordinarily made either at the licensee's own instance or on the suggestion of the Government and included in the conditions of supply or in the form of agreement entered into with the consumer both of which have to be approved by Government under section 21 (2) of the Indian Electricity Act. Interest is not required to be paid in cases where no such provision is made in the conditions or the agreement.

(*b*) No. Besides the Madras Electric Supply Corporation, Messrs. Crompton & Co., the licensees for the Cochin Electric Supply, and the Bellary, Bezwada, Kurnool, Ootacamund and Coonoor municipal electric licensees do not pay interest on consumers' deposits.

With reference to the latter part of the question, the attention of the hon. Member is invited to the answer to question No. 767 given at the meeting of the Council on 28th January 1932.

Mr. U. C. SUBRAHMANYA BHATT:—"Will the Government consider the advisability of adopting a uniform system of paying or not paying interest on the deposits?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It is left to the option of the consumers and the suppliers."

Mr. BASHEER AHMED SAYEED:—"Does that option hold good even in the case of the consumers and the Madras Electric Supply Corporation?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"In this case such a provision is not inserted either in the conditions of supply or in the agreement between the consumers and the Corporation."

Mr. BASHEER AHMED SAYEED:—"Will the Government see that this provision is entered in the conditions of supply or in the agreement?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I do not know whether the Government have the power to do that hereafter; however I shall bear my hon. Friend's suggestion in mind."

Cost per unit of electricity generated by the Madras Electric Supply Corporation.

* 266 *Q.*—Mr. U. C. SUBRAHMANYA BHATT:—"Will the hon. the Law Member be pleased to state—

(*a*) what the total generating cost per unit of electricity supplied by the Madras Electric Supply Corporation is and what the actual amount thereon charged on the consumers is;

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(b) what the generating cost per unit of electricity supplied by each of the other private electric companies in the presidency is and what the amount charged by each such company on the consumer per unit is; and

(c) whether it is a fact that the high margin of profit obtained by the Madras Electric Supply Corporation is intended to cover the loss which the Madras Electric Tramways Company sustains and also to compensate the same as the shareholders of both companies are the same?

A.—(a) The generating cost per unit of electric energy in 1931 was 1·117 annas. The rates charged to consumers are published by the Supply Corporation in a booklet which is available for sale. The rates for large consumers are determined by special contract.

(b) The Government have no information as to the cost per unit of generation of current in the case of other electric supply companies. The rates charged by them to their consumers are published in booklets which are also available for sale.

(c) The Government have no information regarding the assumptions made in this question.

Mr. U. C. Subrahmanya Bhatt:—"May I ask whether it is not a fact that there is a great margin between the cost of generating a unit of electricity and the rate charged to the consumers?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"As I have said in the printed reply, Government have no information on this point."

Mr. Basheer Ahmed Sayeed:—"Are the Government aware that the Electric Supply Corporation have been in some cases willing to supply energy at ·9 anna a unit, which is much below the figure of the cost of generation that is given in this answer? Would it rather be correct to say that the cost of generating a unit is ·79 anna and not the figure given in the answer?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"With reference to the first part of the question, I have to say that the Government are not aware that the Electric Supply Corporation has been willing to supply energy at ·9 anna a unit. My printed answer to the second part of the question is correct."

Mr. Abdul Hameed Khan:—"The answer refers to certain booklets issued by Supply Corporations outside the City. May I ask why the Government have not cared to give those rates in the answer itself?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"As a matter of fact the rates charged by these Corporations are below the maximum fixed by the Government. So long as that is the case, there is no reason for the Government to interfere."

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Mr. Basheer Ahmed Sayeed:—"In view of the cheapness of the materials and the much larger volume of energy consumed by the consumers, will the Government consider the desirability of reducing the cost per unit to the pre-war level of 4 annas a unit instead of the present rate of 5 annas?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"As I said in answer to a question yesterday, the whole thing is under the consideration of the Government."

Mr. Abdul Hameed Khan:—"May I ask whether the Government will not reduce the rates in view of the changed circumstances?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"The matter is under the consideration of the Government and we are not now in a position to give a definite answer."

Mr. Sami Venkatachalam Chetti:—"Will the Government be pleased to place on the table of the House the memorandum submitted by the Corporation justifying the retention of the present rates?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"I am not aware whether there is any such memorandum."

Mr. Sami Venkatachalam Chetti:—"Have not the Company submitted their case for the retention of the existing high rates?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"Notice, Sir."

Mr. Basheer Ahmed Sayeed:—"On this question of the rate per unit, there was a Government Order passed sometime ago. It was not published. May I ask the Government to place it on the table of the House?

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"The whole question of the charge per unit of electric energy is under the consideration of the Government and, when the Government have come to a conclusion on it, they will place on the table of the House whatever papers they think necessary."

Mr. Abdul Hameed Khan:—"May I ask why the Government are now considering this question?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"Because there have been memorials from some consumers."

Mr. Abdul Hameed Khan:—"Has there been no memorial from the Supply Corporation?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"As I said I am not aware of any. I should like to have notice."

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Prisons and Prisoners

Putting up of a screen between political prisoners and their interviewers at the time of the interview.

* 267 *Q.*—Rai Sahib C. KOLANDA REDDI: Will the hon. the Law Member be pleased to state—

(*a*) whether it is a fact that a screen is put up between political prisoners and interviewers at the time of interview;

(*b*) whether it is a fact that on account of this impediment Mr. Bulusu Sambamurti refused to interview Messrs. G. K. Somayajulu and H. D. Murti in the Vellore Jail a few days prior to 30th September 1932;

(*c*) if so, why did the jail authorities put up this impediment; and

(*d*) what steps the hon. Member will take to put an end to this restriction?

A.—(*a*) Wire-netted screens are put up between the interviewers and prisoners of all classes who are interviewed.

(*b*) The Government have no information.

(*c*) As a precaution against the smuggling out of letters from jails at the time of interviews.

(*d*) None.

Mr. M. A. MANIKKAVELU NAYAKAR:—" May I ask whether this practice of putting screens between prisoners and interviewers prevails in all jails or only in some jails? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I cannot say whether it exists in all jails; I can say that it exists in more than one jail."

Mr. BASHEER AHMED SAYEED:—" In view of instructions issued by the Government that the rules of the Jail Manual should be strictly observed, may I ask whether the screens will hereafter be removed ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" The screens will not be removed."

Mr. M. A. MANIKKAVELU NAYAKAR:—" Were there any instances of smuggling of letters and, if so, how many? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I cannot say how many, but I can say there were instances of smuggling letters."

Irrigation

Expenditure on account of the Kattalai Bed Regulator and the High Level Channel works.

* 268 *Q.*—Mr. K. SINGAM AYYANGAR : Will the hon. the Member for Revenue be pleased to state (1) the amount that has been spent on

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both the Kattalai Bed Regulator and the High Level Channel works till now and (2) the probable amount that will be spent by 31st March 1933?

A.—(1) The total expenditure up to the end of September 1932 on the Kattalai Bed Regulator is Rs. 2,11,735 and on the High Level Channel, Rs. 19,609.

(2) Rupees 5,66,000.

Land Revenue Administration

Paucity of Muslim representation in the grade of Tahsildars, Deputy Tahsildars, etc., in the South Arcot district.

* 269 *Q.*—Mr. BASHEER AHMED SAYEED: Will the hon. the Member for Revenue be pleased to state—

(*a*) the reasons why the Muslim community is poorly represented in the grade of Tahsildars, Deputy Tahsildars and Stationary Sub-Magistrates in the district of South Arcot;

(*b*) what steps the Government propose to take to increase the number of Muslims in the ranks of Tahsildars and Deputy Tahsildars in the said district;

(*c*) whether it is a fact that in the filling up of short vacancies in the cadre of the Deputy Tahsildars and Stationary Sub-Magistrates in South Arcot, men outside the district establishment are given preference to men already in the district establishment and who have acted on prior occasions; and

(*d*) if so, in how many such cases the claims of the men in the district establishment have been overlooked and who were the persons preferred to them in the years 1931 and 1932;

(*e*) what the justification is for overlooking the claims of men who belong to the district establishment and who have acted on prior occasions in the matter of filling up such short vacancies; and

(*f*) how do the Government propose to remedy this procedure and the grievance caused thereby?

A.—(*a*) The Government have no particular information, but presume the fact to be due to the paucity of Muhammadans qualified and suitable for these appointments.

(*b*) The Statutory rules provide for the adequate representation of each community, if qualified and suitable persons are available for appointment and promotion.

(*c*), (*d*), (*e*) & (*f*) The Government have no information on the points raised in questions (*c*) and (*d*)

Mr. BASHEER AHMED SAYEED:—"May I ask whether the Government will call for the information asked for in clauses (*c*) and (*d*)?"

The hon. Sir ARCHIBALD CAMPBELL:—"Yes, Sir."

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Mr. Abdul Hameed Khan :—" In answer to clause (*a*) the Government say that they presume the fact to be due to the paucity of Muhammadans qualified and suitable for these appointments. May I ask what are the qualifications prescribed by the Government which the Muhammadan candidates were not able to satisfy? "

The hon. Sir Archibald Campbell :—" The qualifications are those laid down in the Statutory Rules, a copy of which will be found in the Council Library."

Mr. Abdul Hameed Khan :—" Have the Government made any enquiries and found out definitely that the paucity of Muslim representation in this district is due to the paucity of qualified and suitable Muslim candidates? "

The hon. Sir Archibald Campbell :—" We have not made any definite enquiries, that is why we say we presume that it is the case."

Mr. Basheer Ahmed Sayeed :—" Will the hon. the Revenue Member make enquiries and find out how many Muslim applicants there were in this district and how many vacancies were refused to be given to them? "

The hon. Sir Archibald Campbell :—" It is not necessary to invite applications for these posts. Tahsildars, Deputy Tahsildars and Stationary Sub-Magistrates are recruited from the Ministerial service. A few are appointed direct by the Government, but the question refers only to those promoted from the Ministerial service. I have already agreed to call for information with regard to clauses (*c*) and (*d*). I do not understand what further information the hon. Member wants."

Mr. Basheer Ahmed Sayeed :—" I want that the Government should enquire definitely, instead of presuming as they do now, why there is a great paucity of Muhammadans in this district establishment."

The hon. Sir Archibald Campbell :—" Yes, Sir."

Mr. Yakub Hasan :—" And if there are no suitable Muhammadans in the Ministerial service, will the Government resort to direct recruitment? "

The hon. Sir Archibald Campbell :—" The question will be considered."

Effect of retrenchment in the Revenue establishment of the South Arcot district.

* 270 *Q.*—Mr. Basheer Ahmed Sayeed : Will the hon. the Member for Revenue be pleased to state—

(*a*) what the full effect of retrenchment in the Revenue establishment of the South Arcot district was;

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(b) how many Tahsildars, Deputy Tahsildars and Stationary Sul Magistrates and upper division clerks have been retired or reverted (dispensed with;

(c) how many of these employees are Muslims and how man belong to the other communities and what their proportion is to tl total strength of each community in the several grades of the establisl ment in the district; and

(d) what steps the Government propose to take to remedy tl inequalities, if any?

A.—(a) The net result of retrenchment is the abolition of the follov ing posts:—

2 Deputy Tahsildars.

4 Clerks.

5 Peons.

(b), (c) & (d) The Government have not the information askeo f(in questions (b) and (c).

Mr. BASHEER AHMED SAYEED:—"May I ask whether the Governmei will call for the information asked for in clauses (b) and (c)?"

The hon. Sir ARCHIBALD CAMPBELL:—"Yes."

Pounds and Prevention of Cattle Trespass

Enhancement of the rate of fees on cattle impounded.

* 271 Q.—Sriman M. G. PATNAIK Mahasayo: Will the hon. tl Member for Revenue be pleased to state—

(a) whether cattle-pound fees vary from district to district an from taluk to taluk in the same district;

(b) the rates of cattle-pound fees prevalent in Ghumsur taluk i Ganjam district in 1929–30, 1930–31 and 1931–32;

(c) whether the rates have recently been enhanced;

(d) if so, the reasons for such enhancement; and

(e) whether the economic depression was taken into consideratio in fixing the rates of fees?

A.—(a) & (b) The attention of the hon. Member is invited to Appei dix E to the Special Funds Code (a copy of which available in the Secretariat Library). Therein are show the localities in which special enhanced rates of fin were in force. In the areas not mentioned in the appei dix the scale of fines prescribed in section 12 of the Catt Trespass Act I of 1871 as it stood before it was amende by Act XVII of 1921 was in force. No special rat were in force in the Ghumsur taluk of the Ganja district.

(c) The hon. Member is referred to the answer to clause (a) of question No. 185.

(d) The orders of the Government were passed on the recommendation of the Retrenchment Committee which proposed an increase of the fines by 100 per cent.

(e) The economic depression was one of the points considered before the Government decided to enhance the scale of fines.

Public Service

Deletion of names from the list by the Madras Services Commission of candidates past the age-limit.

* 272 Q.—A. M. AHMED MEERAN SAHIB Bahadur: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the names of candidates who are selected for appointment as clerks by the Madras Services Commission after a competitive examination are removed from the list if they are not appointed before they pass the age-limit or if they do not report themselves for duty immediately on appointment;

(b) the number of candidates whose names have been removed from the list for each of the above reasons in 1931 and 1932;

(c) whether the age-limit is enforced before the candidates are allowed to sit for the examination;

(d) if so, why the age-limit is again applied at the time of actual appointment as clerks; and

(e) whether the Government have received representations that in some cases the delay in joining duty on appointment is due to unavoidable causes, such as difficulty in getting relief from the temporary appointment they may be holding at the time ?

A.—(a) As soon as a candidate's age exceeds that laid down by rule as the maximum age for selection for appointment as clerk, his name is deleted from the list of candidates unless he is by that time on probation as clerk. But it is only when a candidate fails *without adequate reason* to join an appointment when so directed, that his name is deleted from the list. In the case of candidates on mufassal lists who are so removed an appeal is allowed to the Madras Services Commission.

(b) The figures are given below:—

		(i) Removed for failure to accept appointment.	(ii) Removed on exceeding the age-limit.
1931	.. .. ..	66	51
1932	.. .. ..	3	2

(c) Yes, candidates are selected by the Madras Services Commission to fill vacancies that are expected to occur during

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the year following the selection. It would obviously be unless for candidates, who will be overage before they can be appointed, to sit for the competitive examination.

(*d*) The Statutory Service Rules prescribe that a candidate shall not have attained a specified age on the date of his first appointment as clerk. The rules have therefore to be enforced at this stage; the inclusion of a candidate by the Madras Services Commission in the list of approved candidates is in no sense actual appointment as clerk.

(*e*) No such representations have been received.

Provincial Finance

Report of the Special Officer regarding the revision of salaries of the non-gazetted services.

* 273 *Q.*—V. T. Arasu: Will the hon. the Member for Finance be pleased to state—

(*a*) whether the Special Officer in the Finance Department has submitted his recommendations regarding the scale of salaries to the non-gazetted services; and

(*b*) whether the Government would be pleased to lay it on the table of the House and give the Council an opportunity to express its opinion on the same before any action is taken by the Government in that matter?

A.—(*a*) The Additional Secretary to Government, Finance Department, is working out revised scales of pay for the various non-gazetted services one after the other, and his proposals as and when they are ready are considered by Government who arrive at provisional decisions thereon.

(*b*) The proposals of Government will in due course be placed on the table of the House. It will be open to Members of the Council to ask questions in respect of them or to ask for a day to discuss the proposals as a whole. Final orders of Government will be issued after considering the effect of any such discussions in Council.

Mr. V. T. Arasu:—" Will the hon. the Finance Member mention the names of the departments in regard to which the Government have come to a provisional decision? "

The hon. Mr. H. G. Stokes:—" I should like to have notice of the question."

Mr. V. T. Arasu:—" May I know with regard to how many departments the Government have come to a decision? "

The hon. Mr. H. G. Stokes:—" Notice, Sir."

Mr. V. T. Arasu:—" Will the Government be pleased to issue from time to time bulletins showing the recommendations of the Additional Finance Secretary and the decisions of the Government thereon as they did in the case of the proceedings of the Retrenchment Committee? "

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The hon. H. G. STOKES:—" No, I do not think it will be necessary or desirable."

Mr. BASHEER AHMED SAYEED:—" Before the Government come to any decision with regard to the non-gazetted officers, will they give this Council an opportunity to consider the question and make their recommendations? "

The hon. Mr. H. G. STOKES:—" I believe I have already answered that question."

Mr. V. T. ARASU:—" Will the hon. the Finance Member give an assurance that a day will be allotted for the discussion of the proposals of the Additional Finance Secretary? "

The hon. Mr. H. G. STOKES:—" I have already answered that in clause (*b*)."

Mr. BASHEER AHMED SAYEED:—" Will the Government stay its hands and give an opportunity to this Council to discuss the matter before any final conclusions are arrived at? "

The hon. Mr. H. G. STOKES:—" I have already answered that question in clause (*b*)."

Mr. V. T. ARASU:—" The answer says that it is open to Members of the Council to ask for a day to discuss the proposals. I want to know from the Government whether they will give an assurance that a day will be allotted for the discussion of this subject."

The hon. Mr. H. G. STOKES:—" It is a question which must be addressed to the hon. the Leader of the House."

Cost incurred by the Local Government for attending conferences held by the Government of India from 1st January 1932 to 1st September 1932.

* 274 *Q.*—Mr. V. T. ARASU: Will the hon. the Member for Finance be pleased to state—

(*a*) the number and nature of the conferences or meetings convened by the Government of India from the 1st of January 1932 to the 1st of September 1932, to which this Government were invited to send representatives;

(*b*) the number and nature of such conferences or meetings to which this Government actually sent their representatives;

(*c*) the cost incurred by this Government in the case of each of those conferences or meetings to which this Government sent their representatives; and

(*d*) whether this Government have at any time pointed out to the Government of India the enormous expenses involved in sending representatives to far off Delhi and Simla and stated that this Government can ill-afford to spend such large sums at this juncture?

A.—(*a*) & (*b*) Two conferences, the Tobacco Taxation Conference in January 1932, and the Conference for discussion of certain questions in connexion with the Cochin harbour in

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May 1932, were convened by the Government of India and representatives were sent by this Government to both the conferences.

	RS.	A.	P.
(c) Tobacco Taxation Conference	1,240	5	0
Conference to discuss certain questions in connexion with Cochin harbour	1,144	13	0

(d) Yes.

Mr. V. T. Arasu:—" May I ask whether this Government were not asked by the Government of India to send their representatives to Conferences of Directors of Agriculture and Directors of Industries and, if so, why they have not included the cost incurred on that account in the answer to this question? "

The hon. Mr. H. G. Stokes:—" So far as I know, the answer states the number and nature of the conferences convened by the Government of India. I understand that these other conferences, that are referred to by the hon. Member, were not convened by the Government of India."

Mr. V. T. Arasu:—" Was there not a Conference of Directors of Agriculture held at Simla to which our Government sent their representatives? "

The hon. Mr. H. G. Stokes:—" I should like to have notice of the question."

Local Self-Government

Bill to amend the City Municipal Act, 1919.

* 275 Q.—Mr. Abdul Hameed Khan: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) when the Government propose to bring their Bill for amending the City Municipal Act of 1919;

(b) whether it is a fact that the authorities of the Madras Corporation have been asking for early action with regard to this matter; and

(c) whether it is a fact that a Bill was drafted at the time of Dr. Subbarayan's Ministry?

A.—(a) The Bill is under consideration. As a large number of amendments is involved it is not possible to say definitely when it will be possible to introduce it.

(b) The Commissioner of the Corporation wrote a demi-official in May 1932 asking for information as to what action had been taken in the matter.

(c) No Bill was drafted by Government at the time of Dr. Subbarayan's Ministry.

Mr. Abdul Hameed Khan:—" May I ask whether it is likely that he Government will introduce the Bill in the next meeting of the 'ouncil? "

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The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"The Bill will first be published so that all the people concerned may be in a position to give their opinion on it."

Mr. BASHEER AHMED SAYEED:—"At what stage of consideration by the Government is the Bill at present?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"It is under scrutiny by the Law (Drafting) Department."

Formation of circles for elections to local bodies.

*276 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) when the district and taluk boards of Kurnool district were asked to submit proposals for the formation of circles to elect members to the different local bodies in the district, and the dates when these proposals were actually submitted by the various local bodies;

(*b*) whether the said proposals were, with such modifications as were necessary, forwarded to the Government by the Inspector of Local Boards and Municipal Councils, and if so, when;

(*c*) whether the proposals received from the Inspector of Local Boards and Municipal Councils were approved by the hon. the Chief Minister with such modifications as he wanted to make and returned to the Inspector, and if so, when;

(*d*) whether the Inspector of Local Boards and Municipal Councils resubmitted the proposals incorporating the changes suggested by the hon. the Chief Minister, and if so, when;

(*e*) whether the revised proposals so received have been published in the *Fort St. George Gazette* with or without further modifications, and if so, when; and if not, why not; and

(*f*) if they have been published with further modifications, the names of the local bodies to which the modifications relate and the reasons for them?

A.—(*a*) Proposals were called for on 7th November 1931 and were received on the following dates:—

Kurnool District Board ...	23rd February 1932
Kurnool Taluk Board ...	15th February 1932
Koilkuntla and Pattikonda Taluk Boards	16th February 1932
Nandikotkur Taluk Board ...	19th February 1932
Nandyal Taluk Board ...	24th February 1932
Dhone and Sirvel Taluk Boards ...	15th February 1932
Markapur and Cumbum Taluk Boards	22nd February 1932

(*b*) The Inspector sent his proposals on various dates between 19th February 1932 and 6th April 1932.

(*c*) The Government passed orders on various dates in March and April on the proposals relating to taluk boards. The orders relating to district board were passed on 22nd April 1932.

(*d*) Yes, to Government on 30th May 1932.

(*e*) & (*f*) The notification was published in the *Fort St. George Gazette*, dated the 28th June 1932, without further modifications.

Objection to the allotment by the District Board, Tinnevelly, of a single seat for the Alangulam Revenue firka.

* 277 *Q.*—Mr. M. D. T. Ranganatha Mudaliyar: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) how many members are to represent Alangulam Revenue Firka in the Tinnevelly District Board under the new scheme coming into force shortly;

(*b*) whether the Zamindar of Uttumalai Estate objected to the allotment of a single seat in the District Board of Tinnevelly for the vast Alangulam Revenue firka; and

(*c*) whether any reply was sent, and, if not, why not?

A.—(*a*) One member.

(*b*) Yes.

(*c*) No reply was sent. It is not possible to send individual replies to the numerous representations received. The final orders of Government were published in Part I-A of the *Fort St. George Gazette*, dated 24th May 1932.

Elections to the local bodies in Salem district.

*278 *Q.*—Mr. K. A. Nachiyappa Gounder: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) at what stage the elections to the district and taluk boards in Salem district now is;

(*b*) when they are likely to be over;

(*c*) from which date the new boards are to function;

(*d*) whether the division of circles for the district board are likely to be changed as a result of the rumoured amalgamation of the Tiruppattur taluk of North Arcot district with Salem; and

(*e*) if that is a fact, in what way the Government propose to constitute the district board, and when will the elections for the same come up?

A.—(*a*) & (*b*) The election proceedings have been started and the poll is fixed for the 19th November 1932.

(*c*) The new boards will come into existence early in December.

(*d*) The answer is in the negative.

(*e*) The question does not arise.

Financial position of the Nandyal municipality at the end of the year 1931–32.

* 279 *Q.*—Mr. A. Ranganatha Mudaliyar: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) the balances of the General Account, ordinary, of the Nandyal municipality at the end of 1931–32, as well as the total liability and the

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assets pending realization at the close of 1931–32 and if the financial condition so disclosed was found to be unsatisfactory, the measures taken by the Government to place the municipality on a satisfactory footing; and

(b) the rules governing the administration of earmarked funds like the Provident Fund, deposits, Special Provincial Grants, and capital receipts and whether contrary to the above rules there was a diversion of one or more of the above funds for other purposes and if so, the extent thereof and the measures taken by the Government for recredit of the diverted sums to the funds concerned?

A.—(a) The Nandyal Municipal Council closed the year 1931–32 with a deficit of Rs. 24,707-15-4 under the general account (ordinary). Its total liabilities on that date inclusive of diversions from special funds amounted to Rs. 68,951–10–10 against which it had assets in the shape of revenues and sale-proceeds of sites pending realization to the extent of Rs. 23,348. The Special Officer appointed by Government to examine the finances of local bodies and to suggest ways and means to stabilize their finances has been asked to visit the municipality and to send a report. The Government will consider the question of concerting measures to improve the financial position of the council on receipt of his report.

(b) The Government have from time to time issued special orders[a] under rule 37 of Schedule IV of the Madras District Municipalities Act, 1920, and general orders[a] prohibiting municipal councils from diverting earmarked funds to any other purpose even temporarily. They have also insisted on municipal councils obtaining their previous sanction where extraordinary circumstances render such diversion necessary. The Nandyal Municipal Council diverted the following sums from earmarked funds up to 31st March 1932:—

	RS.	A.	P.
(1) Provident Fund	15,776	9	6
(2) Other deposits	3,156	8	0
(3) Special Provincial grants	2,438	15	6
(4) Capital receipts	7,005	9	10
Total ...	28,377	10	10

The Government will consider measures for the re-adjustment of the diversions on receipt of the report of the special officer referred to in the answer to clause (a) above.

[a] Printed as Appendix II on pages 384—388 infra.

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Mr. A. RANGANATHA MUDALIYAR :—" May I ask whether the action of the Municipal Council in diverting certain sums is contrary to rules? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" If there are diversions, they are contrary to the rules."

Refusal by the President of the Ponnani Panchayat Board to permit a member to have access to the records and registers.

* 280 Q.—B. POCKER SAHIB Bahadur: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have received any representation from a certain elected member of the Ponnani Panchayat Board stating that he was refused access to public registers and records of the Board even though he had made written request to the President as required by section 26 of the Local Boards Act; and

(b) if the answer to clause (a) is in the affirmative, what action he Government have taken in the matter?

A.—(a) No; a copy of the letter on the subject which the member had sent to the President, Taluk Board, Ponnani, was, however, received by Government.

(b) It was transferred to the President, District Board, Malabar.

B. POCKER SAHIB Bahadur :—" May I know with what direction the etter was communicated to the President of the District Board ? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" The Government simply forwarded it to the President who is expected to take action in the matter."

B. POCKER SAHIB Bahadur :—" Why did not the Government ask the 'resident to take action ? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" He will usually take the action necessary; only a copy of the letter was sent to us and the Government, have transferred it to the President."

B. POCKER SAHIB Bahadur :—" May I enquire whether the President f the District Board has sent any further communication as regards ıe action taken by him on the letter ? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" No, Sir."

B. POCKER SAHIB Bahadur :—" Do the Government propose to take ıy further action in the matter? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" Yes; if the Government are addressed by the party concerned."

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Constitution of a village panchayat for Marakapalli, West Godavari district.

* 281 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether a village panchayat was constituted for Marakapalli of Kovur taluk, West Godavari district, and if so, when; and

(*b*) whether it has been reconstituted under the new Act and if so, when; and if not, why not?

A.—(*a*) There is no such village in the district. The hon. Member apparently refers to Malakapalli village for which a panchayat has not been constituted.

(*b*) The question does not arise.

Medical Administration

Accommodation in the Government Gosha Hospital, Madras.

* 282 *Q.*—Mr. V. T. ARASU: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) the total number of beds in the Government Gosha Hospital, Madras;

(*b*) the number of beds that are on the verandas without any shelter whatever from the wind and the sun; and

(*c*) whether such exposure has resulted in serious complications in the patients so exposed?

A.—(*a*) The total number of beds sanctioned for the Victoria Caste and Gosha Hospital is 123. On account of the increase in the number of patients, temporary accommodation has been provided for 44 more patients.

(*b*) Forty-three, but these are not without shelter from the wind and the sun.

(*c*) No.

Mr. V. T. ARASU:—" May I ask whether it is a fact that certain visitors appointed by the Government of Madras to visit the Gosha Hospital have sent a petition to the Government pointing out the defects in the hospital and how patients are exposed to wind and sun?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" I have no information, Sir."

Mr. V. T. ARASU:—" May I know whether the attention of the Government has been drawn to an important article in the *Medical Practitioner* in which it is pointed out that these patients are so exposed?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" I am not able to answer that question."

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Mr. V. T. Arasu:—"Will the Government be pleased to make enquiries and, if the condition of the hospital is such as is pointed out in the question, whether the hon. Minister will see that the defects are remedied?"

The hon. Diwan Bahadur B. Muniswami Nayudu:—"If the hon. Member will draw my attention to the particular matter, I shall have the matter enquired into."

Mr. Abdul Hameed Khan:—"Does the hon. Minister mean that the veranda, where there are 43 beds, is fully covered?"

The hon. Diwan Bahadur B. Muniswami Nayudu:—"Those patients have got shelter whether the veranda is fully covered or not."

Mr. Basheer Ahmed Sayeed:—"Do the Government propose to make permanent arrangements for these additional 43 beds, in view of the fact that there is great necessity for them?"

The hon. Diwan Bahadur B. Muniswami Nayudu:—"It depends upon the finances of the Province."

B. Pocker Sahib Bahadur:—"Do the Government take the view that these 43 beds are quite comfortably situated in the veranda?"

The hon. Diwan Bahadur B. Muniswami Nayudu:—"Yes, in the absence of the information to the contrary."

Mr. Basheer Ahmed Sayeed:—"May I enquire whether the hon. Minister proposes to get the necessary finance from the Finance Department, for these 43 beds being made permanent?"

The hon. Diwan Bahadur B. Muniswami Nayudu:—"This is not peculiar to this institution. The same is the case with some of the other hospitals. The question of making provision for more beds will be considered having regard to the budget of each year."

Mr. V. T. Arasu:—"Will the hon. the Minister be pleased to direct the Surgeon-General to visit this hospital and make a report?"

The hon. Diwan Bahadur B. Muniswami Nayudu:—"I am sure the Surgeon-General is aware of it. There is no need to direct the Surgeon-General to visit the hospital."

Mr. V. T. Arasu:—"May I ask whether the hon. the Minister would ask the Surgeon-General to put an end to these defects?"

The hon. Diwan Bahadur B. Muniswami Nayudu:—"The Surgeon-General is the officer who is in charge of these hospitals and he would draw our attention, if necessary."

B. Pocker Sahib Bahadur:—"May I know whether the Surgeon-General has addressed the Government in this matter?"

The hon. Diwan Bahadur B. Muniswami Nayudu:—"Notice, Sir."

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Appointment of tutors in the Madras Medical College.

* 283 *Q.*—Mr. V. T. ARASU: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that a certain number of tutors have been appointed in the Madras Medical College; and

(*b*) the number of such men appointed, their qualifications, and the nature of the work apportioned to them?

A.—(*a*) Yes.

(*b*) (i) Six.

(ii) Their academical qualifications are:—

Tutor (1)	M.S. (Mad.).
Tutor (2)	F.R.C.S. (Ireland). M.R.C.S. (England.). L.R.C.P. (Lond.).
Tutor (3)	B.A., M.B.B.S. (Mad.).
Tutor (4)	I.M.D.
Tutor (5)	M.B.B.S. (Mad.). M.R.C.P. (Edin.). M.M. (Lond.).
Tutor (6)	M.B.B.S. (Mad.).

Apart from academical qualifications each tutor has special experience of his subject and this is considered as an additional qualification for his selection for the post.

(iii) The work of the Tutors except Tutor (6) consists of the following items:—

(1) Instruction of students in the wards of the hospitals in elementary branches of their speciality;

(2) Clinical duties connected with in-patients and out-patients; and

(3) Assisting the Professors in their subjects.

Tutor (6) is the curator of the Pathological Museum where he has to examine, select, mount, describe, preserve and exhibit pathological specimens in the museum.

Mr. V. T. ARASU:—"May I ask whether it is a fact that the Medical College have suggested to Government the necessity for a certain number of tutors to be in charge of lady students of the College?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"Notice, Sir."

Mr. V. T. ARASU:—"Will the hon. the Minister be pleased to state whether the tutors referred to in the answer are also in charge of the lady students of the College?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"I am afraid I cannot answer that question off-hand."

Mr. V. T. ARASU:—"Will the hon. the Minister state whether a need has been felt for a certain number of ladies to be in charge of lady students in the capacity of tutors?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" The suggestion will be considered."

Mr. V. T. ARASU :—" May I know whether the attention of the Government has not been drawn to the fact that the lady students do require certain assistance from tutors and that such tutors should be women ? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" Not that I am aware of."

Age-limit of pupils seeking admission into the Rayapuram Medical School.

* 284-A *Q.*—U. C. SUBRAHMANYA BHATT : Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that a maximum age-limit of 20 years has been fixed by the admitting authorities for admission to the Rayapuram Medical School during the last admission to the school; if so, under what authority and by whom was the same prescribed;

(*b*) whether it is a fact that there is a Government Order preventing students less than 18 years from being admitted to the Medical School; if so, what is the number of students under 18 years who have been admitted into the said Medical School this year;

(*c*) under whose authority has the Government Order preventing persons less than 18 from being admitted to the school been given up in the place of the new unauthorized rule; and

(*d*) what action the Government have taken or propose to take in the matter?

A.—(*a*) *The rules for the admission and training of pupils for the* diploma of L.M.P. prescribe a maximum age-limit of 20 years for admission to the Medical Schools.

(*b*) No.

(*c*) & (*d*) The questions do not arise.

Mr. U. C. SUBRAHMANYA BHATT :—" May I enquire whether it is not a fact that the rules fix the maximum age-limit of 20 years, whether the age-limit was reduced to 18 years of age and thus people between 18 and 20 years of age were prevented from being admitted ? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" I am not able to answer the question without specific notice."

Mr. U. C. SUBRAHMANYA BHATT :—" Will the hon. the Minister consider the advisability of checking such irregularities ? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" If my attention is drawn to specific instances, I shall have the matter enquired into."

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Mr. M. A. MANIKKAVELU NAYAKAR:—"May I ask whether the age-limit is the same for both boys and girls?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"Notice, Sir."

Strength of the first year class of the Rayapuram Medical School.

* 284-B *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that in the previous years 100 was the strength of admissions to the first year class of the Rayapuram Medical School; if so, why were only 60 admitted this year;

(*b*) whether it is a fact that 80 admissions were originally intended to be made and intimations to that effect were sent to the 80 candidates selected; if so, why were not all the 80 admitted and why were the actual admissions closed with 60; and

(*c*) whether any extra admissions were intended to be made to the said school in view of the closing down of the Tanjore Medical School; if not, why not?

A.—(*a*) Prior to 1931 the number of students to be admitted into the Rayapuram Medical School was 116. But the average number of students actually admitted during each of the seven years ending 1929–30 was 66 only. The Medical Education Committee appointed by this Government recommended that with reference to the staff and the clinical materials available in the school and the hospital attached to it the number of students to be admitted should be limited to 60. The Government however decided in 1931 that the number of students to be admitted should be 66. The Surgeon-General however reported this year that as a result of the closure of the first year class in the Tanjore Medical School, the Rayapuram Medical School would not be able to admit 66 new students. The number of students to be admitted during the current academical year was therefore fixed at 60. The number actually admitted was, however, 61.

(*b*) The number of candidates selected for admission to the school was 75 and not 80. The reason for selecting students in excess of the requirements was that past experience had shown that all the candidates selected did not actually join the school. A margin for absentees had therefore to be provided for.

(*c*) Eight students who had already commenced their studies at the Tanjore Medical School were transferred to the Rayapuram Medical School in the current academical year. These students, together with the new admissions direct to the Rayapuram Medical School, made a total of 69 fresh students at the Rayapuram Medical School.

Closure of the Medical School at Tanjore.

* 285 *Q.*—Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the Government have ordered the closure of the Medical School at Tanjore, and if so, from what date;

(*b*) whether the articles of furniture, science apparatus, etc., will be auctioned or be transferred to educational institutions maintained by Government or local bodies; and

(*c*) whether it is a fact that most of the articles of furniture and appliances were transferred to the Medical School, Tanjore, when the Medical School at Coimbatore was abolished in July 1930, and if so, whether the Government have considered the desirability of transferring those articles to the Coimbatore College?

A.—(*a*) Yes; with effect from the 1st May 1933.

(*b*) The articles of furniture and appliances belonging to the Medical School at Tanjore will, after its closure, be required for other medical institutions in Madras or elsewhere. The question of disposing of the surplus furniture and apparatus, if any, will be considered later on.

(*c*) Yes. In view of the answer to clause (*b*) the Government have not considered the question of transferring any articles to the Coimbatore College.

Collection of fees in the X-Ray Institute at Madras.

* 286-A *Q.*—Mr. V. T. ARASU: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) the total amount collected from the patients that came for treatment in the X-Ray Institute, Madras, in the year 1931–32; and

(*b*) what portion of it has been taken away by the Radiologist of that Institute as his commission?

A.—(*a*) Rs. 16,912.

(*b*) Under the distribution then in force the Radiologist's share amounted to Rs. 12,390. A portion of this amount was distributed unofficially by the Radiologist to the staff at the X-Ray Institute.

Mr. V. T. ARASU:—" Will the hon. the Minister please state the salary paid to this Radiologist besides the commission he receives, amounting to Rs. 1,000 a month?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" I am unable to give the information off-hand. I believe it is Rs. 1,800."

Mr. V. T. ARASU:—" May I ask if the Radiologist is given a sum of Rs. 1,000 by way of commission and a sum of Rs. 1,800 by way of salary?"

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The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"He was entertained for a period of five years in the beginning and he was promised the right of private practice under the terms of the contract entered into with him."

Mr. V. T. ARASU:—"May I know whether the terms of the contract contemplate the payment of such a large commission of Rs. 12,390 and whether this sum was earned by way of private practice?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"Yes, Sir."

Mr. V. T. ARASU:—"Will the hon. the Minister be pleased to state whether he is allowed to have private practice in the hospital with the apparatus supplied by the Government at their cost?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"Those are the terms of the original contract."

B. POCKER SAHIB Bahadur:—"How long does the contract subsist?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"The contract has ceased."

Mr. SAMI VENKATACHALAM CHETTI:—"Was the re-appointment made under the terms of the original contract?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"It was temporary for a certain period in the beginning; subsequently it was made a permanent appointment, but the right of private practice still continues."

Mr. SAMI VENKATACHALAM CHETTI:—"Does the Radiologist share the profits even though hospital instruments are used?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"He is entitled to use the apparatus of the hospital—according to the original agreement—and take a share of the profits. Recently at the instance of the Retrenchment Committee the share was reduced; he was taking more. Now he takes 60 per cent and the Government take 40 per cent."

Mr. V. T. ARASU:—"May I know whether the Government would consider the desirability of abolishing this system of payment of commission and of paying him a fixed salary?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"This question was considered and was given up as there were some difficulties."

Mr. V. T. ARASU:—"Is it not a fact that the Surgeon-General has made a definite recommendation that those who are now engaged in X-Ray Institutes are not subject to such dangers as they were a few years ago and that therefore this system of payment of commission might be abolished?"

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The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" It is not a definite recommendation with regard to the Radiologist."

Mr. V. T. ARASU:—" May I draw the attention of the hon. the Minister to the statement published in the report of the Retrenchment Committee in which the Surgeon-General definitely states that this *system of payment of commission should be stopped?* "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" It is about the work of Assistant and other Surgeons and in connexion with special pays granted to some Surgeons."

Fixed pay for Radiologists in Government service.

* 286-B *Q.*—Mr. V. T. ARASU: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether there is any proposal now before the Government to pay the Radiologists in their service a fixed salary and not allow them to take any portion of the fees collected from the patients; and

(*b*) if there is any such proposal, when the Government propose to give effect to the same ?

A.—(*a*) & (*b*) There was a proposal of the nature referred to in clause (*a*); but its consideration has been postponed pending revision of the scales of pay for allowances for future recruits to the Medical Services both Provincial and Subordinate and also, a decision on the question of reduction of fees for X-Ray and electrical treatments.

Mr. V. T. ARASU:—" May I know whether the attention of the Government has been drawn to the fact that patients seeking admission have to go and see either the Superintendent or Assistant Superintendent and pay him a certain fee and that otherwise they are not admitted in the hospital ? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" No, Sir."

Fee for admission into the Government Tuberculosis Hospital, Royapetta.

* 287 *Q.*—Mr. V. T. ARASU: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether any admission fee is being collected from patients seeking admission into the Government Tuberculosis Hospital in Royapetta;

(*b*) if so, at what rate; and

(*c*) whether any portion of the sums so collected is being handed over to the Government?

A.—(*a*) No.

(*b*) & (*c*) Do not arise.

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Mr. V. T. ARASU:—" May I ask whether patients seeking admission to the Tuberculosis Hospital, Royapetta, are not given beds in the Hospital unless they see either the Superintendent or the Assistant Superintendent and pay him a definite fee? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" No, Sir."

Mr. V. T. ARASU:—" In view of the widespread feeling that this is so, will the Government make a definite enquiry and, if it is so, will they take disciplinary action against the Superintendent and the Assistant Superintendent? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" If there is a definite communication regarding the veracity of this practice, the Government will certainly enquire into the matter."

Mr. BASHEER AHMED SAYEED:—" May I ask whether there is any proposal before the Government to collect fees from the in-patients in this Hospital? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" I am not aware of it."

Mr. V. T. ARASU:—" If the Government come to know of a definite case in which admission was refused by the Superintendent of the Tuberculosis Hospital, will they make enquiries in the matter? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" Certainly."

Mr. BASHEER AHMED SAYEED:—" Was admission refused to any people for want of accommodation? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" The matter is one which has to be enquired into."

Retirement of clerks employed in the offices of District Medical Officers.

* 288 *Q.*—Rao Sahib V. I. MUNISWAMI PILLAI: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) how many clerks in the offices of the District Medical Officers in this Presidency were due to retire as having attained the age of 55, during the past three months;

(*b*) whether any District Medical Officer retained the services of his clerk acting under Fundamental Rule 56 (*b*) and reported such action to the Surgeon-General;

(*c*) whether it is a fact that the Personal Assistant to the Surgeon-General sends confidential letters to the District Medical Officers to retire such clerks against the spirit of the Fundamental Rule 56 (*b*); and

(*d*) if the answer to clause (*c*) above be in the affirmative, what action the Government propose to take to reinstate such clerks who were asked to retire?

A.—(a) Three.
(b) Yes.
(c) No.
(d) Does not arise.

Rao Sahib V. I. MUNISWAMI PILLAI:—"May I ask whether the ›vernment are aware that the Surgeon-General has been interfering th the powers of District Medical Officers vested in them, under .ndamental Rule 56 (b)?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"I do not think so; the Surgeon-General did not interfere in these matters."

Rao Sahib V. I. MUNISWAMI PILLAI:—"May I know whether the rgeon-General ordered some Medical Officers to cancel their orders?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"If definite information is communicated, I shall enquire into the matter."

Rao Sahib V. I. MUNISWAMI PILLAI:—"Will the hon. the Minister pleased to enquire into the matter?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"I shall consider the suggestion."

Transfer of clerks employed in the offices of District Medical Officers.

* 289 Q.—Rao Sahib V. I. MUNISWAMI PILLAI: Will the hon. the nister for Local Self-Government be pleased to state how many and what districts there were transfers of District Medical Officers' clerks ·ing the past six months and for what reasons?

A.—Thirteen transfers were made in the following eleven districts:—

Kistna.	Malabar.
Guntur.	Salem.
East Godavari.	Tanjore.
Chittoor.	Trichinopoly.
South Arcot.	Vizagapatam.
North Arcot.	

The transfers were generally ordered for reasons of administrative convenience or in the interests of work.

Research work on the nutrition and food value of Indian products.

* 290 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the ıister for Local Self-Government be pleased to state—

(a) whether any department is working on the question of nutri- and food value of Indian products (fruits, vegetables, nuts, cereals), if so, with what results;

(b) whether any training is given to medical students in nutrition research work;

(c) what the nature of the work done by the Professor of Bio-Chemistry in the Madras Medical College is; and

(d) when he was appointed to this post and the research for which he has been responsible and the contribution, if any, he has made to this science ?

A.—(a) Nutritional research is being carried on at the Pasteur Institute, Coonoor, by Colonel McCarrison who is financed by the Indian Research Fund Association, but who has no relation with the local Government.

(b) No; but subjects of Food and Nutrition form part of the lectures in Hygiene given to Medical College students.

(c) (i) Bio-chemical analysis for all the city State hospitals, Medical Boards, District Surgeons and for mufassal hospitals occasionally.

(ii) Teaching second year medical students.

(iii) Training post-graduates.

(iv) All office correspondence and maintenance of bio-chemical analyses.

(d) (i) The present permanent incumbent was appointed on the 13th August 1925.

(ii) The research work done by the Professor of Bio-Chemistry—

(1) The significance of phosphate in carbohydrate metabolism was investigated in 100 diabetic patients and 100 non-diabetic patients.

(2) In collaboration with Lieut.-Col. C. A. F. Hingston, C.I.E., I.M.S., the Professor did bio-chemical investigation of 54 "Eclampsia" patients; and in 28 more patients similar research was carried on by Dr. P. A. Mathew when he acted as Professor of Bio-Chemistry.

(3) In collaboration with Dr. E. Achyuta Menon, the Officer-in-charge of ante-natal clinics in Government Hospital for Women and Children, Madras, bio-chemical analyses were done in 103 normal pregnant women and 12 non-pregnant normal women by way of investigation.

(4) In collaboration with Lieut.-Col. R. E. Wright, C.I.E., I.M.S., the then Superintendent, Government Ophthalmic Hospital, the Professor and his assistants did bio-chemical analyses in 65 patients of "Glaucoma," investigating the etiology of this condition.

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(5) With the guidance of the same officer liver efficiency was investigated in 11 cases of 'Keratomalacia.'

(6) Detailed bio-chemical analyses in 50 cases of Nephritis were done.

The results of the six investigations conducted have not yet been published.

Besides the above, bio-chemical analyses are done in the Bio-Chemistry Department as part of the investigations conducted by the Physicians of the General Hospital, Madras.

Public Health

Expenditure on account of the King Institute, Guindy.

* 291 *Q.*—Mr. V. M. Ramaswami Mudaliyar. Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) what the total cost of the Government is in running the King Institute at Guindy;

(*b*) when the institution was established and whether any officer connected with it has been able to do any original research work, and if so, what it is;

(*c*) whether any member of the staff has been able to contribute any paper either on Bacteriology or Bio-Chemistry, and if not, why not;

(*d*) what the relationship of the Madras Government is with the Nutritional Research Laboratories at Coonoor and whether the Madras Government contribute any funds in the running of the same; and

(*e*) whether this Coonoor Institute has been responsible for any papers on the subject of nutrition, and if so, how many ?

A.—(*a*) The total estimated expenditure on the Institute for the year from 1st October 1930 to 30th September 1931 is Rs. 4,50,912. The estimated receipts of the Institute for the year exceeded the estimated expenditure by Rupees 4,27,681.

(*b*) The King Institute was founded in 1903. Although it is not primarily a Research Institute (it is mainly concerned with routine bacteriological examinations and the preparation of vaccine lymph and bacterial vaccines) yet much research work has been done. The following are the most important items:—

(1) Christophers' and Patton's protozoological research work on piroplasmosis, on hæmogregarines and other parasites and on Kala-Azar.

(2) *Researches on the bacteriology and the purification of water.*—This has been a feature of the Institute from its beginning. Much work has been

done by the staff and successive Directors particularly Messrs. Christophers, Gibson and Cunningham, and Lt.-Col. H. H. King, I.M.S., the present Director of the Institute.

(3) *Researches on vaccinia and vaccine lymph production.*—These have culminated in some particularly good work done by Dr. C. G. Pandit as fully described in recent reports.

(4) Filariasis surveys and researches by the staff and Directors, i.e., those done under Messrs. Wright, Cunningham and the present Director of the Institute.

(5) A rat flea survey of South India has recently been conducted by Dr. C. G. Pandit and the present Director of the Institute.

(6) The Bacteriological units attached to the Institute have investigated many local epidemics and produced results of more than local importance.

(7) Malaria and other special surveys have been made by the staff of the Institute.

(c) The Institute has no Bio-chemist on its staff and it does not therefore do bio-chemical research work. As for bacteriology, many papers have been written. The researches for the year ending 30th September 1931 are mentioned on pages 8–14 of G.O. No. 779, P.H., dated the 6th April 1932, which has been supplied to the Legislative Council Library and also to the Press. Out of the 25 researches recorded therein, Nos. 4, 10, 13 to 19, 21, 22 and 24 were all of a bacteriological nature.

(d) No relationship exists between the Government of Madras and the Nutritional Research Laboratories located at the Pasteur Institute, Coonoor. The Government of Madras do not contribute anything towards the above research, but they have placed the Jam Factory buildings at the disposal of the Director, Pasteur Institute, for the use of Col. R. McCarrison, I.M.S., who is conducting nutritional research financed by the Indian Research Fund Association, Simla.

(e) All papers published on nutrition are by Col. R. McCarrison, I.M.S., and his staff, who are quite independent of the Pasteur Institute of Southern India, Coonoor.

Fees charged at the King Institute, Guindy, for Wassermann test.

* 292 *Q.*—Mr. A. Ranganatha Mudaliyar: Will the hon. the Minister for Local Self-Government be pleased to state the fees charged at the King Institute for carrying out Wassermann reaction tests in cases sent from the mufassal and received at headquarters respectively and if the rates differ, why?

A.—The fee charged for carrying out Wassermann reaction tests in the King Institute, Guindy, is Rs. 7–8–0 per test for all cases.

Mr. A. Ranganatha Mudaliyar:—" May I know whether the rates are the same from the beginning or whether they were revised recently? "

The hon. Diwan Bahadur B. Muniswami Nayudu:—" I am unable to answer that question now."

Grants to non-official organizations for temperance propaganda.

* 293 *Q.*—Mr. A. B. Shetty: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether any grants have been paid this year to non-official organizations for temperance propaganda and if so, what the amount is;

(*b*) the names of the organizations which have been helped with grants till now;

(*c*) whether any conditions have been prescribed governing the sanction of such grants;

(*d*) what steps are taken to see that the grants are properly utilized; and

(*e*) whether proposals for counter-attractions can come under the scope of these grants?

A.—(*a*) & (*b*) A statement[a] showing the names of the non-official organizations to which grants were paid in the years 1929–30, 1930–31 and 1931–32 and those to which grants are proposed to be paid in the current year together with the amount of the grants is appended (Appendix A).

(*c*) & (*d*) The conditions subject to which the grants are sanctioned are laid down in G.O. No. 126, P.H., dated 19th January 1932, a copy[a] of which is appended (Appendix B). These conditions are considered sufficient to ensure that the grants are properly utilized.

(*e*) No.

Water-supply and drainage schemes of the Srirangam Municipality.

* 294 *Q.*—Mr. K. Singam Ayyangar: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) the stage in which the Srirangam Drainage Scheme stands;

(*b*) whether the Government have dropped the original water-supply scheme in the Srirangam municipality in view of the Municipal Council having arranged for the water-supply from its own funds; and

(*c*) whether the Government have received from the Sanitary Engineer any communication approving the detailed plans and estimates

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[a] Printed as Appendix III on pages 389–391 infra.

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for the improvements to the Trichinopoly water-works for Rs. 80,000 and odd, and if so, whether sanction has been accorded by the Government for the same, and if so, when?

A.—(*a*) Detailed plans and estimates for the scheme are under preparation by the Sanitary Engineer.

(*b*) On financial considerations the Government have not objected to the Council's proposal to suspend the preparation of plans and estimates for a comprehensive water-supply scheme provided the Council does not waste its resources on unreliable and make-shift schemes.

(*c*) No.

Registration

Transfer of a peon belonging to the Sub-Registrar's office, Chowghat.

* 295 *Q.*—Mr. A. B. SHETTY: Will the hon. the Minister for Public Works be pleased to state—

(*a*) whether it is a fact that a peon of the Sub-Registrar's office, Chowghat, has had to be transferred from that place as he belonged to a so-called polluted community and consequently would not be allowed to walk along the street in order to reach the Sub-Registrar's house; and

(*b*) why the Government took no action against the persons who so prevented him?

A.—(*a*) & (*b*) The Government have no information but will call for it.

Education

Strength of the Victoria College, Palghat and the Government College, Coimbatore.

* 296 *Q.*—Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR: Will the hon. the Minister for Education and Excise be pleased to furnish the strength of the four College classes in the Victoria College, Palghat, and the two Intermediate classes in the Government College, Coimbatore?

A.—Victoria College, Palghat—

Junior intermediate class	97
Senior ,, ,, ...	106
Junior B.A. class	38
Senior ,, ,, ...	50

Government College, Coimbatore—

Junior intermediate class	89
Senior ,, ,, ...	94

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Proposal to place the District Secondary Education Boards on a statutory basis.

* 297 *Q.*—Mr. A. B. Shetty: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) whether the District Secondary Education Boards have been found helpful in advancing the cause of secondary education; and

(*b*) whether there is any proposal pending to constitute them on a statutory basis with well-defined powers as in the case of District Educational Councils?

A.—(*a*) The advice given by the Boards on local educational matters has been found helpful in advancing the cause of secondary education.

(*b*) No.

Recognition of the High School at Nandyal.

* 298 *Q.*—Mr. A. Ranganatha Mudaliyar: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) whether permanent recognition has been granted to the High School, Nandyal; and

(*b*) the conditions, if any, attached by the Director of Public Instruction to the recognition of the school, either permanently or temperarily, and how many of them have been fulfilled?

A.—(*a*) No.

(*b*) Two conditions have to be fulfilled before the grant of permanent recognition will be considered, namely:—

(1) that an upper storey is constructed in the new building as the accommodation now available is inadequate; and

(2) that the school play-ground is improved so as to make it fit for use.

Neither of these conditions has so far been fulfilled.

Allotment by the Government to the High School at Nandyal for opening a typewriting class.

* 299 *Q.*—Mr. A. Ranganatha Mudaliyar: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) the sum allotted by the Government towards the cost of the opening of a typewriting class in the High School at Nandyal and its equipment; and

(*b*) whether any part or the whole of the Government grant was returned to the Government owing to the closure of the typewriting class?

A.—(*a*) No grant was sanctioned for the purpose.

(*b*) Does not arise.

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Building grant for the Muhammadan Middle School, Nandyal.

* 300 *Q.*—Mr. A. Ranganatha Mudaliyar: Will the hon. the Minister for Education and Excise be pleased to state the sum allotted by the Government as half grant with reference to the first estimate for the construction of the Muhammadan Middle School building of the Nandyal Municipality and the sum ultimately allotted by them and if there is difference between the two, whether the Government satisfied themselves of the reasons for it, and if so, how ?

A.—No estimates have been received by the Government and no grant given by them for the construction of a building for the Muhammadan middle school of the Nandyal municipality.

Amendment of the Elementary Education Act.

* 301 *Q.*—Mr. A. B. Shetty: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) whether the Government propose to revise the Elementary Education Act; and

(*b*) whether the necessity for a change in the strength and composition of the District Educational Councils in view of the reconstitution of the local bodies has been considered by the Government?

A.—(*a*) There is no such proposal at present.

(*b*) Yes—the question is under consideration.

Proposal to amend Rule 92 of the Madras Education Rules.

* 302 *Q.*—Sriman M. G. Patnaik Mahasayo: Will the hon. the Minister for Education and Excise be pleased to state what became of the proposal—

(*a*) to amend rule 92 of the Madras Education Rules so as to make its working more efficient and beneficial to the castes and classes for whom it is intended;

(*b*) to introduce the teaching of the elements of agriculture in select higher elementary schools; and

(*c*) to give an agricultural bias to elementary education?

A.—(*a*) A copy[a] of G.O. No. 15, Law (Education), dated the 6th January 1932, is placed on the table.

(*b*) The question is under consideration.

(*c*) Nature-study is already a compulsory subject in the curriculum of elementary schools.

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[a] Printed as Appendix IV on page 391 infra.

tules regarding the user of carts by the students of the Government Hobart School, Royapetta.

* 303 Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister Education and Excise be pleased to state—

(a) whether it is a fact that the Superintendent of the Hobart .ool for Muslim Girls, Royapetta, has made rules for the supply of ts to the students of the school;

(b) what those rules are; and

(c) whether these rules have been sanctioned by the Government?

A.—(a), (b) & (c) No rules have been framed by the Superintendent.

Mr. BASHEER AHMED SAYEED:—"May I ask whether any procedure been laid down by the Superintendent with regard to the utilization his conveyance ?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"No, Sir; the Government are not aware of it."

Mr. BASHEER AHMED SAYEED:—"May I enquire whether any pro-ıre has been prescribed by the Superintendent, whether any ructions have been issued as to which girls should be conveyed and ch girls not and what precedence or priority is followed? Will hon. Minister enquire into the matter ?"

The hon. Diwan Bahadur S. KUMARASWAMMI REDDIYAR:—"I shall consider the suggestion of the hon. Member."

Mr. YAKUB HASAN:—"Is there any proposal to use motor-lorries ead of carts ?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"There is no such proposal."

Mr. YAKUB HASAN:—"What is the reason ?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The cost of it, I suppose."

Mr. BASHEER AHMED SAYEED:—"May I ask whether the Govern-t are aware of the considerable inconvenience and delay caused by slow type of conveyance and whether they would substitute this slow by a faster one ?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It is not possible to do so at present."

Mr. ABDUL HAMEED KHAN:—"May I know whether the Govern-t have examined the question and found out the cost ?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The question has not been examined."

Mr. ABDUL HAMEED KHAN:—"Will the Government find out her what they think is not correct ?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It would cost only more; if the cost is likely to be less, of course we will accept it."

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Mr. YAKUB HASAN:—"Is it not a fact that the Director of Public Instruction wanted to have motor-lorries, but he found that some streets were so narrow that motor-lorries could not go there? If the streets are narrow, will the hon. Minister see that bullock-carts are used in such streets, and that motor-lorries are used in broad streets? Will the hon. Minister enquire into the matter and see whether this difficulty could not be overcome?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I shall examine the matter."

Inspecting Officer of the Berhampur Girls' School Range.

* 304 *Q.*—Sriman M. G. PATNAIK Mahasayo: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) the area covered by the Berhampur Girls' School range;

(*b*) the number of Oriya and Telugu bilingual girls' schools it contains;

(*c*) who the Inspecting Officer is of the lowest grade that is in charge of the range now;

(*d*) whether such person is an Oriya or a Telugu;

(*e*) what his vernacular is;

(*f*) whether such person has passed the Oriya and the Telugu vernacular tests; and

(*g*) if not, why such person is put in charge of the Berhampur Girls' School range?

A.—(*a*) Berhampur Municipality;

Somapeta, Ichchapur, Berhampur, Chatrapur, Kodala, Aska, Surada, Ghumsur and Tekkali taluks;

G. Udayagiri;

Balliguda of the Balliguda Agency.

(*b*) Thirteen.

(*c*) M.R.Ry. K. Ramalingam.

(*d*) A Telugu.

(*e*) Telugu.

(*f*) He has passed the Vernacular Test in Telugu.

(*g*) He was posted to the range in view of his satisfactory work in Girls' Secondary and Training Schools for a period of over three years. No qualified officer (man or woman) having knowledge of both Oriya and Telugu and also experience in girls' schools is available.

Staff of the Training School, Berhampur.

* 305 *Q.*—Sriman M. G. PATNAIK Mahasayo: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) the various departments the Training School, Berhampur, comprises;

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(*b*) the number of trained graduates, the staff of the school contains; and

(*c*) whether the rules do not require that at least one of the assistants of a secondary grade training school should be a trained graduate?

A.—(*a*) The Government Training School for Masters, Berhampur, comprises—

(1) a model school with five standards,

(2) a secondary training class which admits students every alternate year, and

(3) a higher and a lower elementary training class which admit students annually.

(*b*) One.

(*c*) No.

Petition for grant of stipends to the pupils of the Secondary Junior Section of the Government Secondary Training School, Ellore.

* 306 *Q.*—Mr. A. Ranganatha Mudaliyar: Will the hon. the Minister for Education and Excise be pleased to state whether the Secondary Junior section of the Government Secondary Training School, Ellore, have petitioned to them or the Director of Public Instruction requesting that the pupils of their section might be given stipends like those of the Secondary Senior section and that the period of their training course may be reduced to one year, and if so, the orders passed thereon ?

A.—An unsigned petition purporting to originate from the students of the Secondary Junior Section of the Government Secondary Training School, Ellore, was received both by the Director of Public Instruction and the Government and no action was taken on it as it did not bear any signature.

Deputy Inspectors of Muslim schools.

* 307 *Q.*—S. M. K. Beyabani Sahib Bahadur: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) whether the Government are aware that the Muhammadan Deputy Inspectors have a wide range to inspect, in some cases one district and in many a case three districts; and

(*b*) whether there is any proposal before the Government to create the post of a Muhammadan Supervisor or a Junior Deputy under each Muhammadan Deputy to make the Muslim schools run efficiently?

A.—(*a*) The territorial jurisdiction of a Deputy Inspector of elementary schools for Muhammadan boys is generally larger than that of a Deputy Inspector of elementary schools for non-Muhammadan boys. The number of schools to be inspected, however, is, in general, less in the former than in the latter case.

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(b) No: nor do the Government accept the assumption that su a proposal is necessary for the efficient working of Musli schools.

Mr. BASHEER AHMED SAYEED:—" May I ask whether in view of t fact that the deputy inspectors could not inspect a school more th once and in some cases they could not inspect a few schools at all duri the year, their ranges will be reduced ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It is n possible to do that now, Sir."

S. M. K. BEYABANI SAHIB Bahadur:—" Are the Government awa that some of the taluk board presidents have appointed supervisors their own accord in their taluk boards ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Is pa ment made to them from the Elementary Education Fund or fro the general funds ? "

Mr. BASHEER AHMED SAYEED:—" May I ask, if as the Governme admit the present inspection is not efficient in view of the very lar range that is given to each deputy inspector, how they propose to mal the inspection of schools more efficient ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Tl Government do not admit that. In clause (b) it is definite stated: ' Nor do the Government accept the assumption that suc a proposal is necessary for the efficient working of Musli schools '."

Mr. ABDUL HAMEED KHAN:—" Are the Government satisfied th the inspection does take place at all at least once a year ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It is no being done as efficiently as it can be."

Mr. ABDUL HAMEED KHAN:—" Have the Government made enquiri and are they satisfied that these schools are inspected at least once in year ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" We ha never received any complaint or any report as to the inefficienc of the inspection or its efficiency."

Mr. ABDUL HAMEED KHAN:—" Will the Government enquire abo it of the headmasters of schools or the parents of students ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Th Director of Public Instruction is expected to report about it."

Mr. BASHEER AHMED SAYEED:—" Do the Government think tha inspection of a school once in a year will conduce to the efficient runnin of the school ? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I canno say; some schools may require two or three inspections a year some may require only one."

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Complaints from schoolmasters of taluk board schools about the irregular payment of their monthly salaries.

* 308 *Q.*—Mr. V. T. Arasu: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) whether the Government have received any complaints from the schoolmasters in some of the taluk board schools in the South Arcot district of non-payment of their monthly salaries regularly, and that they are every now and then being compelled by their respective taluk board presidents to contribute large sums of money for entertaining high dignitaries like the hon. Ministers; and

(*b*) what steps the Government propose to take to put an end to these irregularities?

A.—(*a*) No.

(*b*) Does not arise.

Mr. V. T. Arasu:—"May I know from the hon. Minister whether it is a fact that, when he along with his two other colleagues visited the South Arcot district in April last, he was entertained lavishly by collecting from the schoolmasters a moiety of their salaries."

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"I should characterize that as an impertinent question—that we were entertained lavishly with the salaries of schoolmasters. That is the insinuation made, Sir. I appeal to you to disallow it."

Mr. Sami Venkatachalam Chetti:—"It is a direct statement, Sir; it is not an insinuation. It is a statement made here and there is no impertinence about it. The hon. Minister is entitled to refute it if he can."

The hon. the President:—"Will the hon. Member kindly repeat his question?"

Mr. V. T. Arasu:—"I only wanted to know whether it is a fact that, for entertaining the Ministers, the schoolmasters were compelled to pay a certain portion of their salaries?"

The hon. the President:—"Is the hon. Member quite sure that the statement he has made can be proved? Or is he only assuming that such and such a thing has taken place? Or is he only depending upon certain vague rumours that he may have heard?"

Mr. V. T. Arasu:—"I have information from sources which I cannot but believe."

The hon. the President:—"I think, in all cases, every Member who puts a question has to make himself responsible for that. But in cases where he is not able to give out the exact nature of the information he has got, I do not think it is advisable for him to make such statements."

Mr. V. T. Arasu:—"I can give you the necessary information privately, Sir."

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The hon. the PRESIDENT:—"In the circumstances, I have to disallow such a question."

B. POCKER SAHIB Bahadur:—"May I request the hon. the President to rule whether the use of the word 'impertinent' in the Council is in order?"

Mr. BASHEER AHMED SAYEED:—"May I ask whether the Government will institute an enquiry into all those cases where there have been large arrears of salaries payable to teachers and take steps against the taluk or district boards concerned, to see that the salaries are disbursed regularly?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Whenever any complaints were made, the Government have made full enquiries into such cases."

Mr. V. T. ARASU:—"May I know whether the Government have received any complaint from the schoolmasters employed under the Tindivanam Taluk Board of the South Arcot district to the effect that their salaries have not been paid for the past four or five months?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Not so far as I am aware."

Mr. V. T. ARASU:—"Will the hon. the Minister be pleased to make enquiries into the matter and see that such irregularities do not recur?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I must satisfy myself first that such a thing took place before I can say that I will take any steps to see that such things do not recur."

Mr. V. T. ARASU:—"Will the hon. the Minister make enquiries whether it is true or not?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I have already replied to that question."

Excise

Reasons for refusing the change in the designation of the Excise menials.

* 309 *Q.*—Mr. V. T. ARASU: Will the hon. the Minister for Education and Excise be pleased to state the considerations or reasons which prompted the Government to refuse the request of the menials of the Excise Department that they may hereafter be called "Excise Constables"?

A.—No reasons had been given in support of the request, and Government knew of none and considered a change in the designation quite unnecessary.

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Industries

Proposal to start a spinning and weaving mill in the Bellary district.

* 310 *Q.*—Diwan Bahadur M. GOPALASWAMI MUDALIYAR: Will the hon. the Minister for Education and Excise be pleased to state whether there is any proposal to start by the Government a spinning and weaving mill in the Bellary district as a preventive measure for the periodical famines which affect it?

A.—The answer is in the negative.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

NON-OFFICIAL BUSINESS.

II.—THE MADRAS NAMBUDRI BILL (BILL No. 14 OF 1931).

* Mr. R. M. PALAT :—" Mr. President, Sir, as Mr. Thangal is absent to-day, I move—

' *that this Bill (item 1 on the agenda) may be postponed for the present.*' "

Mr. K. P. RAMAN MENON :—" I second it."

Mr. V. P. NARAYANAN NAMBIYAR :—" Sir, under Standing Order 33, I move that the Madras Marumakkattayam Bill be now taken up."

* The hon. the PRESIDENT :—" The idea is probably that the Marumakkattayam Bill should be taken up first ? "

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I understand that Mr. P. Madhusoodhauam Thangal, the author of the Nambudri Bill, is absent to-day. If you will be pleased to call it in the ordinary course it will not come on for discussion, and then naturally this Marumakkattayam Bill will be taken up. Mr. Thangal, the author of the Nambudri Bill, who has to present the report of the Select Committee to this House is absent to-day. If his name is called, as he will not be in his place, under the rules, this item will lapse for the day."

* The hon. the PRESIDENT :—" We have not come to it yet. But the idea underlying Mr. Nambiyar's motion seems to be that, if Mr. Thangal turns up to-morrow or the day after, the Nambudri Bill may be taken up after the Marumakkattayam Bill. That seems to be the idea."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I have no objection whatever to that course."

* The hon. the PRESIDENT :—" The question is—

' that item No. 1 be postponed until items 2 and 3 are disposed of.' "

The motion for postponement of item No. 1 on the paper, viz., the Nambudri Bill, was put and carried.

III.—THE MADRAS MARUMAKKATTAYAM BILL (BILL No. 20 OF 1931).

* Mr. R. M. PALAT :—" Sir, I present the report [a] of the Select Committee on the Madras Marumakkattayam Bill [a] (Bill No. 20 of 1931), and I move—

'*that the Bill be taken into consideration.*' "

* Mr. V. P. NARAYANAN NAMBIYAR :—" I second it."

Mr. U. C. SUBRAHMANYA BHATT :—" Mr. President, Sir, with your leave I present this petition :

'Petition presented by the undersigned inhabitants of South Kanara, following Aliyasantana law including Bunts, Billavas, Moolyas, Barbers, etc.'

" I shall now read only the important portions of the petition which say that they strongly disapprove of some of the provisions of the amended Marumakkattayam Bill."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I believe—I am speaking subject to correction—that the Standing Order relating to the presentation of petitions is that the prayer alone should be read. I believe that is the procedure."

Mr. U. C. SUBRAHMANYA BHATT :—" The petitioners strongly disapprove of some of the provisions in the amended Marumakkattayam Bill now before the Council for discussion."

* The hon. the PRESIDENT :—" I think the Member presenting a petition can only make a brief statement; he cannot read it out. If the whole petition is to be read out, the Secretary will have to be asked to do it. Under Standing Order No. 76 "every Member offering to present a petition to the Council shall confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it and of the material allegations contained in it and to the reading of the prayer of the petition."

Mr. U. C. SUBRAHMANYA BHATT :—" The Marumakkattayam Bill as amended by the Select Committee has introduced many changes so far as South Kanara is concerned. In the first place, they have provided for partition on *per stirpes* and *per capita* basis as regards clause 41 of the Bill and they have also stated that the males following Aliyasantana law in South Kanara are to get a life estate while their brothers in Malabar are not so to get it. So far as these two provisions are concerned, the petitioners who number about 300—they are very prominent landholders and educated men in South Kanara—have objected to them and they say that these provisions ought to be deleted and the Bill brought into line with the law governing the Marumakkattayam people of Malabar."

The Secretary to the Council then read the petition as per direction of the hon. the President.

* The hon. the PRESIDENT :—" I will now put the motion to the vote of the House."

[a] Published in the *Fort St. George Gazette* on the 30th August 1932.

* Mr. R. M. Palat :—" I think these things may be taken up *when each section comes up for discussion. I do not think there is* any necessity for taking them up at this stage."

* The hon. Diwan Bahadur Sir M. Krishnan Nayar :—" I think that is the procedure, if I may say so with respect. Did you say, Mr. President, that this would go to the vote of the House ? "

* The hon. the President :—" I will put the motion that the Bill be taken into consideration, to the vote of the House. Then clause after clause will be taken up and amendments relating to those clauses will be taken up as each clause comes up for discussion and be disposed of.

" The question is—

' that the Madras Marumakkattayam Bill (Bill No. 20 of 1931) be taken up for consideration.' "

The motion was carried and the Bill was taken up for consideration.

B. Pocker Sahib Bahadur :—" Mr. President, I move—

' *that the word " Hindus " be substituted for the word " persons " in the Preamble.*' "

* The hon. the President :—" I must request the hon. Member to follow the proceedings. I have called on the hon. Member as he has got an amendment to clause 1, which he might move."

Clause 1, sub-clause (2) (a).

B. Pocker Sahib Bahadur :—" I move, Sir, that—

' *In line 1 of sub-clause (2) (a), the word " domiciled " be inserted between the words " Hindus " and the words " in the Presidency of Madras* '."

" Sir, as the Bill stands at present, very many difficulties will arise if the wording of this clause is left to stand as it is. The words ' to all Hindus in the Presidency of Madras ' are incomplete and also vague in meaning. For instance, if a Hindu who is governed by the Marumakkattayam law dies outside the Presidency of Madras, the question will arise whether he can be said to be a Hindu in the Presidency of Madras. It may be that he was born in Malabar and it may be that he was also domiciled in the Presidency of Madras. If he dies outside the Presidency of Madras, it may be urged that his properties cannot be governed by the provisions of this Bill, and this will create many difficulties. The word ' domiciled ' was in the Bill as originally drafted and I do not think that the deletion of the word will facilitate matters, but on the other hand, it will increase difficulties. As a matter of fact, there are so many Hindus who are governed by the Marumakkattayam law who are living outside the Presidency of Madras and yet they follow Marumakkattayam law wherever they may be living and if the word ' domiciled ' is not put in there, and if either a child is born outside the Presidency or if a

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person happens to die outside the Presidency, it may be argued that he is not governed by the provisions of this Bill. The meaning is very vague and especially in a measure like this I do not think it is safe to leave matters so vague as that. I therefore move my amendment."

Mr. SAMI VENKATACHALAM CHETTI :—"I second the amendment."

* Mr. K. P. RAMAN MENON :—" Sir, although there is a great deal to be said in what my hon. Friend, Mr. Pocker, has stated with reference to the word 'domiciled', I regret it is not possible to accept it, in view of certain difficulties that were discussed threadbare in the Select Committee. That word was advisedly taken away *from the original draft. The one difficulty that* Mr. Pocker Sahib referred to is this. Suppose a Marumakkattayam Hindu happens to die elsewhere, that is outside the Presidency of Madras, then what is the law that will be applicable to him. That contingency, I believe, can be met by referring to the other sub-clauses. For instance, sub-clause (*b*) says 'to all Hindus outside the said Presidency governed by *the said* law, *in respect of immovable properties situated within* it.' And so, all such people will be brought within the purview of this Act. Suppose a Marumakkattayam Hindu—and he certainly is a Hindu male governed by this clause and his having children by a Marumakkattayam female is contemplated by this clause—so that the difficulty that my hon. Friend, Mr. Pocker, anticipates will not *as a* matter *of* fact, occur.

" Then, in regard to the other difficulty pointed out by Mr. Pocker, that is, with reference to persons following the Marumakkattayam law who happen to be resident elsewhere, I would suggest that instead of the word 'in', if you substitute the word 'of', it would make it clear, so that the clause would read 'to all Hindus of the Presidency of Madras, etc.' But, I believe, even that is unnecessary, as sub-clauses (*b*) and (*c*) cover all classes of cases contemplated by my hon. Friend. I submit, therefore, that the House should not accept the amendment which Mr. Pocker Sahib has moved."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I believe, Sir, that my hon. Friend, Mr. Raman Menon, is right and my hon. Friend, Mr. Pocker Sahib, is wrong. This word 'domiciled' is, legally speaking, a very difficult word and the Select Committee considered the different senses in which that word could be used and having regard to the many difficulties which met us in the face in the Select Committee, after a great deal of discussion and deliberation, the Select Committee resolved to omit that word, which was, as stated by my hon. Friend, Mr. Pocker, in the Bill as originally introduced. So, I oppose the amendment and I hope my hon .Friend, Mr. Pocker, will not press his amendment."

* Mr. R. M. PALAT :—" Sir, I am also against this amendment, because this word 'domiciled' as pointed out by the hon. the Law

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Member, has got a very technical meaning. We need only consider the broad facts of the question, and as my hon. Friend, Mr. Raman Menon, pointed out, these are covered by the other clauses of this section."

B. POCKER SAHIB Bahadur :—" Mr. President, I believe, I have got a right of reply. Two reasons advanced against my motion are these. The hon. the Law Member has stated that this term 'domiciled' is a term which has caused very many difficulties and that it would be a very difficult term if it is introduced. I think, in a measure like this, we ought not to be scared away by the difficulty of the word and also we ought to face the difficulties and consider the question on the merits and come to a conclusion. We ought not to shirk our responsibility in considering technical questions. In spite of the fact that it is a very difficult word, in 99 out of 100 instances of legislation, it has been used and is being used even now. The difficulty that has been caused by the interpretation of the term, is no reason for not introducing this word. No doubt, the matter was discussed at great length in the Select Committee and in the original clause it was there and on account of certain technical objections that may be raised against the term, as pointed out by the learned Advocate-General, the word 'domiciled' was at a later stage deleted. But, what I feel is that at the time it was deleted, the full consequences of deleting it were not realized by the Members of the Select Committee including myself.

"Another argument advanced against my amendment is that referred to by my hon. Friend, Mr. Raman Menon, and that is that the cases which I have pointed out might come under clause (c). I do not think that is a sufficient answer to that point, because, so far as clause (c) is concerned, it refers only to particular classes of cases : 'to all Hindu males, whether governed by the said law or not, who have contracted or may contract marital alliances with Hindu females governed by the said law.' Suppose a person dies outside the Presidency and, if he is not married, what is the rule by which the devolution of his property should be governed ? Is it the old Marumakkattyam law or the Marumakkattayam law as modified by this Bill? That particular clause was intended to apply only to cases in which the party is a non-Marumakkattayee."

Mr. K. P. RAMAN MENON :—" By way of personal explanation, Sir, I meant clause (b) and not clause (c)."

B. POCKER SAHIB Bahadur :—" So far as clause (b) is concerned, even that does not meet my difficulty. On account of the very same difficulty which is likely to arise in that clause also, I have given a similar amendment to that clause also. There also it is stated " to all Hindus outside the said Presidency '. I do not know what it means and whether it is proper English. I would therefore request my hon. and learned Colleagues to consider whether it is correct English and what it really means.

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" Does it mean that Hindus born outside the said Presidency or living outside the said Presidency or residing in or carrying on business outside the Presidency ? What it really means it is very difficult to know. I am sure that the use of these expressions without the word ' domiciled ' between them would create innumerable difficulties in the interpretation of the provisions of this Act. Clause (*b*) also raises the same kind of difficulties as clause (*a*). In these circumstances, I have to press my amendment."

The amendment was put and lost.

Clause 1, *sub-clause* (2) (*b*).

Mr. U. C. SUBRAHMANYA BHATT :—" The amendment which I propose is this :—

' For *sub-clause* (2) (*b*) substitute *the following* :—

" (*b*) *to all Hindus governed by the said law who have migrated from the Madras Presidency and have carried with them the said law until the adoption of the Hindu Law of their new domicile is established*."

" The reason for this is this, that if the clause is made to read as it is amended, it will be practically the Hindu law. Under the Hindu law as now administered, if a Hindu family migrates from the Madras Presidency to a place where the Hindu law is not in force, the presumption is that the family which has migrated carries with it its own laws and customs as to succession, family relations, etc., prevailing in the province until the presumption is rebutted by showing that the family has adopted the laws of the new domicile. And if the change is not effected the clause as it stands will not affect such of those persons as are living outside the Presidency but are really governed by the Marumakkattayam law and do not possess property in the Madras Presidency. It is with the idea of widening the scope of the applicability of the Bill even to those persons who really follow Marumakkattayam law and do not possess any property in the Madras Presidency that this amendment is sought to be introduced. With these few words I move this amendment."

Mr. V. T. ARASU :—" I second it."

* Mr. K. P. RAMAN MENON :—" I regret, Sir, I cannot see eye to eye with Mr. Bhatt in the matter that he has placed before you. First of all, I scout the idea of anybody born and bred up in Malabar migrating from Malabar altogether, for Malabar is such a beautiful country that no one will think of migrating from it. Other people should think of migrating into Malabar. So the people of Malabar, both Hindus and Mussalmans, far from migrating elsewhere, will try to remain there only. Even Europeans like to stay in Malabar. They do not like to leave Malabar. Then, again, the amendment introduces vagueness in the clause as it stands. Our idea is that this law should apply to all Hindus who happen to be outside the Presidency of

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Madras and who are governed by the said Marumakkattayam law. That is the object we have in view. From what Mr. Bhatt has stated one would suppose that these questions have to be considered, i.e., as to whether they have carried their law with them or they have adopted the Hindu law. If you want to ascertain whether they still retain their old law or not, if a case crops up in a Court, it will ascertain whether they have adopted the Hindu law. Again the same difficulty with reference to domicile, that formidable difficulty, comes up here also ; it has to be ascertained whether they accepted the new domicile or not. Practically what Mr. Bhatt wants is that all Hindu Marumakkattayam people who happen to be residing elsewhere should come within the ambit of these provisions. That is amply provided for by the clause as it stands. And I fail to see why any degree of uncertainty with reference to migration, the duration of their stay elsewhere and the adoption of the Hindu law and domicile should be introduced into the clause by Mr. Bhatt's amendment. I hope that Mr. Bhatt, after this explanation, would be persuaded to withdraw his amendment."

* The hon. Diwan Bahadur Sir M. Krishnan Nayar :—" I am sorry, *Sir, I must oppose this amendment.*"

B. Pocker Sahib Bahadur :—" I have also to say that the amendment cannot be supported because this Council cannot legislate as regards immovable properties situated outside this presidency, and it is in *consideration of that that clause was drafted. (Mr.* Basheer Ahmed Sayeed : ' That is not the amendment under consideration. It is the amendment of Mr. Bhatt, not of Mr. Raman Menon.') I am sorry."

The amendment was put and lost.

* Mr. K. P. Raman Menon :—" There is a slip in the amendment as printed, Sir. I meant to omit only ' immovable ' and never meant to omit the word ' property.' The clause says, ' to all Hindus outside the said Presidency governed by the said law, in respect of immovable properties situated within it ; and '. So I move :

' *that in sub-clause* (2) (*b*), *the word " immovable " be omitted.*'

" I move this amendment to enable the law to be applied to all property left by people who are outside the Presidency and who are governed by the Marumakkattayam law. For example, it may happen that a member of the Marumakkattayam community may reside in Calcutta *or Bombay or some such place and leave* Government securities. Are those Government securities to be governed by the Marumakkattayam law with the amendments that we are now engrafting on the original law, or the original law only without these amendments which we are now *engrafting on it ? Is this law to* prevail against the ancient custom ? My submission is this. If, as a matter of fact, you make immovable property amenable to the new

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aw, there is no reason whatever why equally valuable property in the hape of Government securities or shares in companies, etc., should ot be also affected by the new provisions. The obvious objection that as mentioned by Mr. Pocker, although he was speaking with eference to another amendment, was as to whether this legislature as the power to legislate with reference to property outside. If, as a atter of fact, Marumakkattayam Hindus are Hindus resident in this residency and for certain purposes go outside the presidency, and are apable of being legislated for by this Council, I fail to see why any ort of property that they own anywhere should be excepted altogether rom the purview of this legislation. If they are amenable to the urisdiction of this legislature as Marumakkattayam Hindus and eople of this presidency—I believe there is no Marumakkattayam elsewhere at all—wherever they go, we have got the right to legislate for heir property. Now, the word 'immovable' will stand in the way of aluable property belonging to them elsewhere being brought within he four corners of this Act. I therefore move my amendment and ould ask the House to accept it."

Mr. V. P. NARAYANAN NAMBIYAR :—"I second the amendment."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—"I do ot oppose the amendment."

B. POCKER SAHIB Bahadur :—"I am afraid we will not be in order s far as this legislature is concerned in deleting the word 'immovable' rom this sub-clause for the simple reason that thereby we will be egislating for properties outside the province which we have no power to do. As regards the difficulty referred to by my hon. Friend Mr. Raman Menon, that very case is covered by clause (a) so far as Government securities are concerned, because it is movable property and the Act applies to all Hindus in the Presidency of Madras. Hindus in the Presidency of Madras either may mean Hindus living in the Presidency of Madras or may mean Hindus domiciled in the Presidency of Madras. Wherever they may be, even outside the presidency, if they are born in the presidency and are domiciled in the presidency, this Act will certainly apply to them so far as movable properties are concerned. It is a well-known fundamental principle that the provincial legislatures can legislate only as regards immovable properties within their province and not in respect of immovable property situated outside the province. And it was on that principle that the word 'immovable' was, after consideration of that aspect of the case, inserted in the clause. No doubt, I also desire along with my hon. Friend Mr. Raman Menon to see that this new Act is made applicable to immovable properties and movable properties outside the province if it can be done and if it is within our power to do so. I say that it is not within our power to extend this piece of legislation to succession in respect of immovable property situated outside this province. But I do say it is not possible.

o desire it, but it is not possible so far as the law stands at present. l since this word has been put in there after considering this ect of the case and no reason has been shown by the hon. Mover inst it, I oppose this amendment."

* Mr. R. M. PALAT:—"I am in favour of accepting this amendnt. No doubt according to international law, movables follow the of domicile, but we have not anything to say as to the law of nicile. We can always legislate for such properties as are within jurisdiction whether movables or immovables. So, there is no ection so far as I can see to delete this word 'immovable'."

* Mr. K. P. RAMAN MENON:—"I believe Mr. Pocker is under a sapprehension as to the object of this amendment. If we read the use without the word 'immovable,' it will read thus: 'To all ndus outside the said presidency governed by the said law, in respect properties situated within it.' So that the property will be within Presidency of Madras and the property will be the property of a ndu governed by the Marumakkattayam law. I fail to see why should not be in a position to legislate with reference to these perties. So the difficulty that Mr. Pocker explains does not exist. . Pocker must be aware that gentlemen in Travancore and Cochin e got large properties in British India. I may give an instance. There Mr. Desamangalam Nambudripad who is a resident of Cochin; he got a large number of shares in the Cotton mills worked at Calicut. pposing there are provisions in this Act with reference to Nambudri tlemen contracting marital alliances with Marumakkattayam females, . supposing that the law does not apply to these securities, does . Pocker mean to say that as a matter of fact the law should not ly so far as these securities are concerned? Supposing a Nambu- gentleman who is the owner of those shares marries a Marumaktayam woman belonging to British Malabar, certainly it is not Pocker's view that the law should not apply to the securities. only doubt is whether we are competent to legislate with reference these properties. That doubt is based upon a misapprehension of reading of the section without this word 'immovable.' What I nt to bring out clearly is that property of whatever kind, movable immovable, owned by Hindus outside the presidency is governed the law existing there, but properties which are situated within presidency should be governed by this law."

Mr. BASHEER AHMED SAYEED:—"Does it exclude property situated side?"

* Mr. K. P. RAMAN MENON:—"Of course, consequentially, if the d 'immovable' is removed it would be altered into 'properties'. elieve, Sir, Mr. Pocker cannot have any objection in view of this lanation."

Mr. BASHEER AHMED SAYEED:—"I do not see, Sir, the significance his amendment. Is it intended, Sir, that properties of gentlemen

governed by the present Marumakkattayam law outside the Presidency should not be governed by this law? Does it not follow, Sir, that any person, who is governed by any system of law at present, when he emigrates outside, carries with him his own law until he changes the present law into the law of his domicile? Any property outside or within this Presidency is governed by the law of the person who carries his law with him wherever it may be. I want to know what exactly the significance of the amendment is."

* Mr. P. Appu Nayar:—"In the expression 'properties situated' the word 'situated' may be omitted. As regards Mr. Pocker's objection that this legislature has no power to legislate with regard to movable properties within the Presidency I think he is labouring under some sort of mistake. Under section 80-A of the Government of India Act, the local legislature may make laws for the peace and good government of this Presidency subject in certain cases to the previous sanction of the Governor-General. As regards properties situated outside the Presidency, the local legislature, I fear, has no power to make laws. Here we are concerned only with properties situated within the Presidency in respect of which the local legislature has complete powers to make laws."

The amendment was put and carried.

* Mr. P. Appu Nayar:—"I move—

'*that the word* "*situated*" *in line* 3 *of sub-clause* 2 (*b*) *be omitted*'."

B. Pocker Sahib Bahadur:—"I second it."

Mr. Basheer Ahmed Sayeed:—"Then what about 'within it'?"

The amendment was put and carried.

Clause 1, *sub-clause* (2) (*c*).

Mr. U. C. Subrahmanya Bhatt:—"The amendment which I intend to move, Sir, is—

'*In sub-clause* 2 (*c*) *add the following at the end*: "*or under Gour's Civil Marriage Act of* 1923".'

"The object is quite clear. By this amendment it is intended to give the benefit of this legislation to those marriages which have taken place under Gour's Civil Marriage Act, 1923, and the progeny born of such union. Without it the benefits of partition, inheritance, marriage laws, which this Bill provides, will not be applicable to these people. So, I move this motion with the object of giving this benefit to marriages of Marumakkattayam people which have taken place under this Act."

The motion was duly seconded.

* Mr. P. Appu Nayar:—"I regret I have to oppose this amendment. I am not aware of any Act which is called Dr. Gour's Civil

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Marriage Act of 1923. What my friend probably means is Dr. Gour's amendment to the Special Marriage Act which allows Hindus to contract marriages under that Act. My objection on the merits is this. If any person contracts a marriage under the Special Marriage Act, the incidents provided under that Act would follow, for example, inheritance and succession will be regulated by the Succession Act. The intention of this Bill, however, is that marriages among Marumakkattayees should be governed by the provisions of this Bill. We cannot override the Special Marriage Act and provide for the operation of the provisions of this Bill to the parties to such marriages. You cannot have a marriage under the Special Marriage Act without attracting the provisions of that Act. Any person who contracts a marriage under that law will be governed by the Succession Act and not by the law proposed to be enacted by this Bill. So I am sorry I have to oppose this amendment."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" The acceptance of this amendment will lead to all kinds of difficulties which were not contemplated even by Mr. Bhatt. So I do not think it is possible to accept it."

The amendment was by leave withdrawn.

Clause 1, sub-clause (3).

Mr. U. C. SUBRAHMANYA BHATT:—" The amendment standing in my name is—

> '*that in the place of sub-clause (3), the following be substituted:—*
>
> "*(d) to all the Jains of the South Kanara following Aliyasantana law of inheritance provided that clauses 5 to 12 of Chapter II and Chapter IV of the Bill shall not be applicable to them.*" '

" Mr. President, Sir, the Jains of South Kanara are an influential community of about 10,000 to 15,000 people and consist of very big landholders. The law governing them is the Aliyasantana law which is like Marumakkattayam law followed in Malabar so much so that they are suffering under the very same disabilities and disadvantages which this Bill now seeks to remove. But so far as the existing clause 3 is concerned the clause seeks to deprive them of the benefits of this Bill. One cannot understand, Sir, as to why the Bill which is intended to remove the defects and disabilities of the existing system of law should not be applied to one particular community which deals with the system of law in all its respects. Sir, in this case when the Bill was being considered by the Select Committee this clause was introduced on account of the mistaken impression which was in the mind of my colleague Mr. A. B. Shetty that the Jains did not themselves want this Bill. But that it was due to a mistaken impression has been made sufficiently evident by himself when he at a later stage of the Select Committee himself admitted

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that it was due to a mistake that he thought that the Jains did not want the Bill, but that they really wanted the Bill. He also made it sufficiently clear in his minute of dissent wherein he suggests that the Jains want this Bill:

'The Jains governed by the Aliyasantana law in South Kanara have expressed their desire to have the partition chapter made applicable to them with certain modifications. This was not allowed to be done for reasons which could hardly be justified. An assurance, however, has been given to the effect that, if the opinion of the Jain community asserts itself more definitely in this matter, the Government would not oppose any amendment moved on behalf of the Jains when the Bill comes before the Council.'

"So, Sir, the fact that the Jains have beeen excluded by clause 1 (3) is but a mistake and the gentleman who was responsible for that has himself stated so. So I do not believe that the Government would oppose the amendment. Now, Sir, there are two chapters from which the Jains are sought to be excluded from the operation of this Act. In Chapter IV it is said that it is not applicable to them. It is because of the fact there is already an existing law so far as inheritance of self-acquired property is concerned. So far as that is concerned, the Jain Succession Act of 1929 provides for the inheritance of their self-acquired property. So there is no necessity of Chapter IV being made applicable to them. So far as the marriage sections are concerned they are also sought to be excluded because marriage among the Jains who are Dwijas is a sacrament. So these provisions need not be made applicable to them. The Jains have expressed in several meetings that with the exception of the clauses regarding marriage and also Chapter IV of the Bill, the Bill may be made applicable to them. On 29th September 1932 in the Jain Boarding House it was resolved that the Bill may be made applicable to them. So much so I may say the present amendment has the unanimous support of all the Jains of South Kanara following the Aliyasantana law. I hope Government will not object to this amendment which all the Jains of South Kanara want."

* Mr. M. S. SRESHTA:—"Sir, I second the amendment. As the only other Member from South Kanara present here to-day, I may say that Mr. Bhatt has correctly expressed the views of the Jains. I do not think that any other Members would oppose this amendment because they are not in a position to state the actual facts so correctly as Mr. Bhatt and myself. I trust that this amendment will be passed without any division."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I am very much in sympathy, Sir, with the amendment moved by the hon. Friend, Mr. Bhatt, but I doubt whether this Council have the power to accept it. So far as the Government are concerned, the Government will not stand in the way of an amendment of that kind. But, I am afraid that there is a technical difficulty. In both the Bills, as they were originally published by Mr. Palat and Mr. Narayanan Nambiyar, which have been incorporated into this one Bill by the Select Committee, the expression used was that the Bills would apply to the Hindus governed by the Marumakkattayam law. I do not

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think that the Jains are Hindus, and I believe that in the various enactments of the Government of India, the words, Hindus, Jains, Sikhs and so on are used, clearly indicating that the Jains are not Hindus. Therefore, without the sanction of the Governor-General which was obtained only for the Bills as they were originally published and also for the amendments introduced by the Select Committee, I am afraid that the provisions of this Bill cannot be made applicable to Jains. As I said, I sympathize with the amendment of Mr. Bhatt. But there is the technical objection which stands in the way of accepting the amendment. I do not want to be misunderstood. If this Bill is passed and becomes law, a very short Bill may be introduced, after obtaining the sanction of the Governor-General, making the provisions of this Act applicable to Jains."

* Mr. K. P. RAMAN MENON:—" Sir, the position seems to be this. The only difficulty is whether we shall be regular in applying these sections, except those sections which Mr. Bhatt has excluded, to the Jains proper. Now, legal opinion has to be taken as to whether Jains can be regarded as Hindus. I remember that the learned Advocate-General saying at one of the meetings of the Select Committee that Jains are Hindus, and Mr. Bhatt also has referred to certain decisions which are quoted by him. In 1 All., page 638 and page 11, 50 Mad., it is held that Jains are Hindus. All the same, there is the fact that in the various enactments passed by the Indian Legislature with reference to succession, inheritance, etc., there are provisions which say 'nothing in this Act will apply to Hindus, Jains, Parsis, Buddhists, etc.' thus enumerating Jains as a different class from the Hindus altogether. So that, my doubt is whether Jains can be regarded as Hindus. If, as a matter of fact, the term 'Hindu' is sufficiently comprehensive as to include Jains, I would welcome the amendment brought forward by Mr. Bhatt, because, as Mr. Bhatt pointed out, we were under the wrong impression that the Jains did not want this Bill. Now, we find from the weighty representation from the Jains that we were misled and that the Jains do want certain provisions of this Act to be applied to them. We welcome it. But we cannot proceed with it now before ascertaining whether Jains are Hindus. But for this difficulty which has arisen to my mind, we could accept the amendment of Mr. Bhatt."

* Mr. P. APPU NAYAR:—" Sir, may I request that this amendment be taken up for consideration later in the evening? I am aware that in the Indian Succession Act, Jains and Hindus are separately mentioned, and that in some other India Acts also Jains and Hindus are mentioned separately. As regards the decisions referred to, I am aware there are certain observations by Judges to the effect that Jains are a dissenting sect of Hindus. But how far these expressions of opinion are authority for the position that Jains *are* Hindus, I should like to take time for consideration, and I therefore move that the consideration of this amendment be adjourned."

Mr. V. P. NARAYANAN NAMBIYAR:—" I second it."

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The motion was put and carried, and the consideration of the amendment was postponed to the end of the discussion.

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Will it be sufficient if it be merely adjourned? Probably it requires sanction."

* The hon. the PRESIDENT:—"The whole thing will be considered, when the amendment is taken up. Only after this amendment is disposed of, can clause 1 be put."

Clause 2 was then put and carried and it was allowed to stand part of the Bill.

Clause 3, sub-clause (c).

* Mr. P. APPU NAYAR:—"I move—

'*that in sub-clause* (c), *line* 4, *for the word "such" the word "a" may be substituted.*'

"The reason for the amendment is this. Reference is made to 'oldest male member' previously in the sub-clause, and if 'such male member' is allowed to stand, it would refer to the 'oldest male member.' The intention of the Select Committee is to refer to any male member. So, for the word 'sucb,' 'a' may be substituted."

B. POCKER SAHIB Bahadur:—"I second it."

The amendment was put and carried.

Mr. U. C. SUBRAHMANYA BHATT:—"The amendment that I move, Sir, is this—

'*that in sub-clause* (c), *for the words "and includes the ejman or ejamanathi, as the case may be," the words "or the seniormost member whether male or female in" shall be substituted.*'

"This amendment refers practically to the only difference which exists between the Marumakkattayam law and the Aliyasantana law. According to Marumakkattayam law, it will be the seniormost male member who will be the ejman and according to the Aliyasantana law, the seniormost member, whether male or female. In order to clear some doubt which it was expressed would creep in if the law was allowed to stand as it was, this amendment has been sought to be moved. This amendment clears that doubt and makes it clear that in the case of Aliyasantana law it will be the seniormost member whether male or female who will be the ejman or manager."

B. POCKER SAHIB Bahadur:—"I second it."

* Mr. P. APPU NAYAR:—"I am in agreement with the amendment. But as it is worded, I am afraid it is rather difficult to understand. I suggest that it may be recast this way: *for* the words the ejman or ejamanathi . . ., ' *substitute* ' in the case of a family

governed by the Aliyasantana law, the seniormost member, whether male or female.' It is only a verbal change to make the meaning clear."

Mr. U. C. SUBRAHMANYA BHATT:—" I accept the verbal alteration."

* The hon. the PRESIDENT:—" The amendment is—

> 'that in sub-clause (c) for the words " the ejman or ejamanathi, as the case may be, of a family governed by the Aliyasantana law," the following be substituted :—
>
> " in the case of a family governed by the Aliyasantana law the seniormost member whether male or female ".' "

The amendment was put and carried.

Clause 3, sub-clause (j).

5 B. POCKER SAHIB Bahadur:—" I move the following amendment:—

> 'Insert the following at the beginning of sub-clause (j):—
>
> " (i) 'Tavazhi' means any group of persons consisting of any female member of a tarwad, her children and her descendants in the female line and shall include any surviving member or members of such group ".'
>
> 'Renumber sub-clauses (i) and (ii) as sub-clauses (ii) and (iii) and omit sub-clause (iii).'

" So far as the second portion is concerned, namely, to omit sub-clause (iii), that is, a definition of 'collateral tavazhis,' as that expression does not occur in the body of the Bill, I do not think that this definition should be there. So I propose that sub-clause (iii) be omitted. I withdraw the other part of my amendment."

Mr. U. C. Subrahmanya Bhatt seconded the motion.

* Mr. P. APPU NAYAR:—" I should like that this be adjourned. I should like to examine whether that expression occurs anywhere else. So I request that this may stand over and be taken up immediately after lunch."

B. POCKER SAHIB Bahadur:—" I have no objection."

The motion that consideration of sub-clause (j) of clause 3 be taken up later on was put and carried.

Clause 4.

B. POCKER SAHIB Bahadur:—" I move the following amendment:—

> 'Substitute the word " alliance " for the word " union " wherever the word " union " occurs in the said clause.'

" It is only a matter of language. I do not want to say anything more. I think my hon. Friends will agree that 'conjugal alliance' is certainly a better expression than 'conjugal union.'

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"So far as the word 'conjugal' is concerned, it is put there after a great deal of consideration. So I thought it is not advisable to propose the substitution of the word 'marital' in the place of 'conjugal.' Objections were raised by several hon. Members as to the use of the word 'marital' as it would raise difficulties as regards past alliances. At any rate, let one of the words in that expression be happier. So I move that 'alliance' be substituted for 'union'."

Mr. U. C. SUBRAHMANYA BHATT:—"I second it."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"'Conjugal union' is very much better than 'conjugal alliance'."

* Mr. V. P. NARAYANAN NAMBIYAR:—"I beg to oppose the amendment that has been moved by Mr. Pocker Sahib. The word 'union' is a shorter word than 'alliance'."

* Mr. P. APPU NAYAR:—"The expression 'marital alliance' has been used elsewhere in the Bill. Here we are defining what marriage is, and if we use any expression which is a derivative of the word 'marriage,' it might give rise to difficulties in interpretation. We could not get a better expression than 'conjugal union,' though I agree it is not very happy. But it is an expression which is used in other enactments and so it was pitched upon for want of a better expression. As a matter of fact, 'conjugal alliance' is rather inappropriate. The word 'alliance' brings to mind the idea of a contract. Hence I oppose the amendment."

The amendment was put and lost.

Clause 4, sub-clauses (1) *and* (2).

Mr. U. C. SUBRAHMANYA BHATT:—"I beg to move the following amendment:—

'For *sub-clauses* (1) *and* (2) substitute *the following*:—

"*The conjugal union of a Marumakkattayee female with a male, whether a Marumakkattayee or not, which exists on the date on which this Act comes into force or openly contracts after this Act comes into force, shall be deemed for all purposes to be a legal marriage if—*

(1) *neither party at the time of marriage to be contracted after this Act comes into force has a husband or wife living;*

(2) *the male has completed his age of* 18 *years and the woman, her age of* 14 *years;*

(3) *each party, if she or he has not completed his or her age of* 18 *years, has obtained the consent of his or her father or guardians to the marriage;*

(4) *the parties are not related to each other in any degree of consanguinity which would according to any law or custom governing the parties render a marriage between them illegal; or*

(5) *if the marriage of the parties is registered under the Malabar Marriage Act of 1896 before the date on which this Act comes into force and is subsisting on such date* ".'

"Section 4 of the Bill relating to valid marriage is vague, ambiguous and retrograde. Its provisions may be construed by a conservative Judge so as to make the existing marital unions illegal and it may be so construed by a radical or social reformer Judge as to make every sort of conjugal union valid under the Act. But the tendency of the courts would be to give a rather restricted and conservative construction for the words used in the section. To make my meaning clear the words 'community' and 'social usage' used in the section may be interpreted according to the whims and fancies of the Judges. The word 'community' may mean the entire Hindu community, the communities of persons following the Marumakkattayam law, the sub-caste communities of the persons following the Marumakkattayam law or even the swajana or the group of families of a sub-caste who have had inter-marriage hitherto. Again, the word 'community' may mean the group of houses of the same caste or sub-caste of a particular locality, taluk or portions of Malabar. It may also mean the group of houses of a particular caste who owned formerly feudal allegiance or social allegiance to a feudal chief, or aristocrat, or a particular Nambudri illom. It is thus clear that the word 'community' may be interpreted in thousand and one ways according to the whims and fancies or the predilections of individual Judges. Similarly, the words 'social usage' on account of its extreme vagueness may be interpreted as the social usage of the community interpreted in its narrowest, broadest or any of the intermediate senses given above. If, however, the legislature wants to make a social legislation vague to its utmost degree it cannot do anything better than keep the section in its present form. If the legislature also wants to make all restrictions to social progress and union of the Hindu sub-communities, it cannot also do better than keep the section in its present form. I would therefore suggest the radical alteration of section 4 of the Bill. By adopting with necessary modifications, section 2 of the Special Marriage Act III of 1872, as amended by Act XXX of 1923, I have recast the section in the form in which I have given notice."

Mr. Basheer Ahmed Sayeed:—"I second it."

* Mr. K. P. Raman Menon:—"With reference to 'community,' I think this was discussed at some length by us in the Select Committee. There is no scope for broader or narrower interpretation or misinterpretation of this word by the Judges who administer the law

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according to the usage and custom of the community which can be ascertained as easily as possible. 'Community' has a well-defined meaning. It does not mean a community that owes feudal allegiance to a particular chief. The number of Nayars who owe feudal allegiance to a chief must be extremely small. There is no danger of the word being misunderstood. That difficulty does not arise.

"Again, when we say the Nayar community, it includes all the Nayars who come under that expression. So there can be no difficulty. The Census reports show what a Nayar is with reference to other communities who follow the Marumakkattayam law. The Tiyya community has also those subdivisions with slight differences in social status; but all the same they belong to the Tiyya community. *They are the two chief communities that follow the Marumakkattayam law.* This difficulty of my friend is more in the abstract than real. I submit therefore that I do not see my way to support this amendment and am constrained to oppose it. Although Mr. Bhatt means very well by the community I am afraid he has misunderstood the situation altogether."

The amendment was put and lost.

Clause 4, sub-clause 1 (ii).

* Mr. V. T. Arasu:—"Mr. President, I move that—

'*the words "with whom conjugal union is permitted by social usage" be omitted.*'

"Sir, clause 4 (1) (ii) runs as follows: 'a male, not belonging to such community and whether a Marumakkattayee or not, with whom conjugal union is permitted by social usage, shall be deemed for all purposes to be a legal marriage,' etc.

"The purport of this section is this. A Marumakkattayee female will be at liberty to marry a non-Marumakkattayee male provided he does not belong to a social status lower than herself. That is the implication of the clause in the Bill. It is well known that the Tiyya community although following the Marumakkattayam law is not permitted by social usage to have conjugal unions with Nayars, who also follow the Marumakkattayam law. It is a great pity that when the tendency nowadays is to merge all communal distinctions and promote inter-caste and even inter-communal marriages, this legislation should be a stumbling block in the way of such unions.

"Then, Sir, when a Marumakkattayee Nayar girl is prepared to be given in marriage to a non-Marumakkattayee Nambudri male, why should they take any exception to the marriage of Marumakkattayee females with Marumakkattayee males of a lower strata as, for instance, Tiyyas. I would therefore suggest that the words 'with whom conjugal union is permitted by social usage' be deleted. The effect of this deletion would be that all marriages whether between a Marumakkattayee female and a non-Marumakkattayee male or,

between a Marumakkattayee female and a Marumakkattayee male belonging to a lower strata (which according to usage is prohibited) shall be valid subject of course to the conditions laid down in clause 5."

Mr. Basheer Ahmed Sayeed:—"I beg to second the amendment of my hon. Friend, Mr. Arasu, and in doing so I would point out that I do not find the words 'social usage' anywhere in the Bill. Social usage is a thing about which one cannot be very definite and to depend upon social usage is not advisable in a legislative measure of this type. On the other hand the idea of my hon. Friend, the Mover of the amendment, seems to be that there should be no restriction imposed with regard to marriages between one caste and another. When you are making provisions to scrutinize certain things as to the validity or otherwise of these marriages, I do not see any reason why you should introduce the words 'social usage' into this statute. Therefore the words 'social usage' may be omitted. We shall not interfere with the rights of communities. I should think the hon. the Law Member ought to be more generous to allow people to marry whichever, wherever and whomsoever they like."

* Mr. K. P. Raman Menon:—"I am afraid, although at the risk of being called a reactionary, I am bound to oppose this amendment. I do not mean to enter into the larger question of eugenics which has been propounded by which marriages without restrictions between different castes should be allowed. It is a very large question and indeed even eminent writers are not very definite about it, and are not at one on that subject. Race purity is a thing which some writers have emphasized. As a matter of fact such writers go on to say that if blood is good enough in a horse it is so in a man. On the other hand there is another school of thought which says that all men are equal and that there is no difference or any difficulty with reference to keeping up race purity. I do not want to enter upon that question. The definition as it stands will in no way hinder people belonging to one caste from marrying males or females in another caste. Two aspects were put forward by Mr. Arasu. Supposing there are subdivisions among the Nayars themselves, if as a matter of fact it is feared that any slight transgression of these barriers would invalidate marriages between those sub-castes, then I say that such a fear is unfounded. As a matter of fact when we say 'belonging to one community' it means the whole community, of Nayars, whether they are subdivided or both of them are Nayars or one of them is a Nayar, or one regards himself higher than the other, according to this section, all such people are allowed to have marital relations with each other. If, as a matter of fact, Nayar women are allowed to have marriages with Nambudris, that is to say, if non-Marumakkattayam Nayar girls are allowed to contract marriages with Nambudris, my friend, Mr. Arasu, logically asks why such marriages should not be contracted with girls belonging to the lower caste. If we want to decide this question from this view point, we shall have

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to go into the origin of these castes and all the castes existing in India. It is a very large question to be tackled within a measure like this. Of course, my friend, Mr. Arasu, must be aware of the fact that there are two kinds of marriages of which one is approved and the other disapproved. One set of marriages is called *Anuloma* and the other is called *Prathiloma*. *Anuloma* marriages are always allowed. It will be found that even from ancient times Hindus were allowed to have *Anuloma* marriages. It means that marriages of higher caste men with lower caste women were and are allowed under the Hindu law. On the other hand marriages of lower caste men with higher caste women are not allowed and the various sub-castes are supposed to have their origin from *Anuloma marriages* or *Prathiloma* kinds. For example, some caste people like *Ugra* are supposed to have their origin by marriages of Brahmans with Kshatriya women. Years ago I read this somewhere in 12 or 13, Madras Law Reports. *Chandalas* are supposed to have their origin from the connexion of low caste men with a Brahman woman. That is to say *Prathiloma* marriages are not allowed according to this Bill and what we say is that social usages should govern matters like this. We are not here legislating for social reform, nor are we legislating for a particular community. Of course, if any legislation is brought before this Council for social reform, then these considerations should weigh. I may here explain for the information of my friend, Mr. Arasu, and other hon. Members of the Council, that the word originally found in the draft Bill was the word 'custom.' But the word 'custom,' as my hon. Friend, Mr. Arasu, and other Members must be aware, is a very difficult word to deal with. Custom is a thing which has to be proved and it has to be immemorial, ancient and consistent. 'Custom' is a stronger word than 'usage' and the former was advisedly taken away from the Bill and in its stead we decided to put in the word 'usage,' because the usages of one generation may not be the usages of the next generation, so that if social usages change and adapt themselves to circumstances, marriages are contracted according to those usages. We want to give recognition to such marriages under this Bill. That is the object with which the word 'usage' was introduced. Originally the word 'custom' was introduced. It is much more difficult to understand the word 'custom' than the word 'usage' and therefore the former was advisedly dropped, so that the position comes up to this: if as a matter of fact we are asked to encourage inter-caste marriages I submit that this is not the place. It will be out of place in a legislation like this. If a comprehensive measure for allowing inter-caste marriages is introduced, then we shall have to consider these aspects. Here we are recognizing, as far as possible, the present usages of the community. If we are to take our stand upon it, we cannot go further than what we have done. I submit that this amendment of Mr. Arasu should not be accepted."

* Mr. R. M. Palat:—"Sir, I am in favour of this amendment. First of all, we cannot divide this question into such water-tight compartments and say that we are only legislating for recognizing certain

social usages and not for allowing inter-caste marriages. The one is interdependent upon the other and I do not think it would be fair to put it that way. Let us see what the Central Indian Legislature has done on this matter. They have recognized not only marriages between one community and another but even between people belonging to one religion and another. That being so, although we cannot go to that extent now, and it is not for the moment feasible, I should say that we should accept this amendment and see that the modifying words are taken away. No doubt, it may not commend itself to many of the Members here because some hon. Members have been used to live in a certain kind of atmosphere. To them I submit that this is not a piece of compulsory legislation, but it merely says that men or women may marry as they like. Under those circumstances I submit it is not fair to stand in the way accepting the amendment of my hon. Friend, Mr. Arasu."

*Mr. V. P. NARAYANAN NAMBIYAR:—" Sir, I am in entire sympathy with the amendment of my hon. Friend, Mr. Arasu. In my explanatory note attached to the Report of the Select Committee I have made my position absolutely clear. This is what I have said there:

'I am afraid that the term " social usage " is unduly restrictive of the scope of legality and narrows down the limits within which legal marriages are permissible. *The Bill is evidently intended as a measure of much needed social reform* and to render legal only such conjugal unions as are permitted by social usage will, to a considerable extent, defeat the intended purpose. " Social usage " is a very elastic term and what has been the usage yesterday is hardly the usage of to-day and will certainly not be the usage of to-morrow. The enlightened spirit of the times is very much at work among the people, and it would hardly be fair to throw up legislative barriers in the way of the full development and progress of that spirit. Marumakkattayees and non-Marumakkattayees belonging to castes and communities supposed to be on a higher social scale have been contracting marriages hitherto with Marumakkattayee females and rightly does the Bill seek to stabilize such unions and invest them with the incidents of a legal marriage. While doing so, it would have considerably helped the cause of social reform if unions contracted by Marumakkattayee feamles with Marumakkattyees or non-Marumakkattayee males of alleged lesser social status were also recognized as legal marriages. It may be that unions of that type are rare. But that is hardly an argument to deny legal validity to and thus prevent the occurrence of such marriages in future.'

" For these reasons I am in entire sympathy with the amendment of my hon. Friend, Mr. Arasu, and I support it whole heartedly."

*The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Sir, we are legislating for a particular community, and I believe that I am right when I say that when we are legislating for a particular community we should be guided by the sense of the large majority of that community. I shall give some specific instances. There are some classes of people called Cherumas and Pulayans and Nayadies in the district of Malabar. I mean no offence to these communities when I refer to the social usage prevailing in Malabar with reference to these communities. According to the social usage prevailing there, these communities occupy a very low position in society. Some

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of these communities, for instance, the community called the Nayadis, occupy a much lower position than that which is unfortunately assigned to the Adi-Dravidas in the eastern districts. According to the usages prevailing in Malabar, marriages between Nayar women with members, say of the Nayadi community, are not allowed. If this amendment is accepted, it will do considerable violence to the feelings of the higher communities and will give a shock to them. Of course, social reform is certainly desirable and I do not object to it. But we ought not to force social reform upon communities by means of legislation. When we are legislating not for effecting social reform but for certain other purposes, I must very strongly oppose this amendment."

* Mr. V. T. Arasu :—" Mr. President, I am surprised at the attitude taken by the hon. the Law Member and the very narrow construction that he puts on the implications of this Bill. This Bill is intended not only for the Nayar community, as the Law Member claims, but also for all the other non-Nayar communities who follow the Marumakkattayam law.

" I wish to be corrected by the hon. the Law Member if I am wrong 1-
in that respect. I hope I am right in saying that this law affects the P.
various communities in the West Coast known as the Nayars, the Tiyyas, as also some of the other low castes. Yet another stupendous claim was made by both the hon. the Law Member and Mr. Raman Menon. They maintained that this is not a social reform legislation. What else is it? They are thoroughly mistaken if they should think that this Bill does not seek to introduce certain changes in the social custom of the communities concerned.

" At present what is known as sambandham is only a dignified form of concubinage. But by this Bill you make that form of alliance a marriage valid and binding in law. Is this not social reform? When you are prepared to legislate that what was a sort of concubinage shall be deemed a valid marriage, why not go further and permit inter-caste marriages? After all it is only a permissive provision. No one is going to compel a Nayar male to marry a Tiyya girl or a Tiyya male to marry a Nayar girl. I believe Mr. Raman Menon is wrong when he says that among Nayars themselves there is free marriage. I am not an authority on the social customs and usages of the people of the West Coast, but I gather from the opinions sent to the Government by the people on the West Coast and elsewhere, a copy of which was supplied to members of this House, that even amongst Nayars there are very many divisions. I further understand that a male belonging to Mr. Raman Menon's sect would not think of marrying a female belonging to Mr. Krishnan Nayar's sect. When as a result of social usage there are so many divisions even among Nayars, it is high time that all those distinctions are removed and marriages permitted to be contracted freely among the various communities. I hope that this House will unanimously support this amendment."

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The amendment was put and declared carried. A poll w demanded by the hon. Sir M. Krishnan Nayar and the House divid thus:

Ayes.

1. Mrs. K. Alamelumangathayaramma.
2. Mr. M. Devadasan.
3. Rao Sahib N. Siva Raj.
4. Mr. M. S. Sreshta.
5. " V. G. Vasudeva Pillai.
6. " C. Indriah.
7. " R. M. Palat.
8. " P. K. Ramachandra Padayachi.
9. Rao Sahib V. Dharmalingam Pillai.
10. The Kumara Raja of Venkatagiri.
11. The Zamindar of Mirzapuram.
12. Mr. A. V. Bhanoji Rao.
13. Rao Sahib P. Subrahmanya Chetti.
14. The Zamindar of Kirlampudi.
15. Rao Sahib C. Jayaram Nayudu.
16. Pandit Ganala Ramamurti.
17. Mr. K. Kesava Ramamurti Nayudu.
18. " D. V. Narasimhaswami.
19. Dr. P. Subbarayan.
20. Rao Bahadur T. A. Ramalingam Chettiyar.
21. Rao Sahib A. S. Alagannan Chettiyar.
22. Mr. V. P. Narayanan Nambiya
23. " M. A. Manikkavelu Nayakar
24. " Abdul Hameed Khan.
25. " Basheer Ahmed Sayeed.
26. Ahmed Miran Sahib Bahadur.
27. Mr. U. C. Subrahmanya Bhatt.
28. " K. Koti Reddi.
29. " K. Pattabhiramayya.
30. Rao Bahadur Sir A. P. Patro.
31. Rao Bahadur C. Natesa Muda yar.
32. Mr. C. Basu Dev.
33. Diwan Bahadur S. Ellappa Chet yar.
34. Rao Sahib D. Krishnamurti.
35. Mr. V. T. Arasu.
36. " G. Sriramulu.
37. " H. M. Jagannatham.
38. Rao Sahib V. I. Muniswami Pill
39. Mr. W. P. A. Soundara Pandia
40. Rao Sahib R. Srinivasan.
41. S. M. K. Beyabani Sahib Bahad
42. Mr. C. Krishnan.
43. " C. Satyanarayana Choudari.

Noes.

1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur.
2. " Diwan Bahadur Sir M. Krishnan Nayar.
3. " Sir Archibald Campbell.
4. " Diwan Bahadur S. Kumaraswami Reddiyar.
5. " Mr. P. T. Rajan.
6. " Diwan Bahadur B. Muniswami Nayudu.
7. Mr. C. E. Jones.
8. " J. A. Thorne.
9. " H. M. Hood.
10. " R. Madanagopal Nayudu.
11. " S. H. Slater.
12. " E. Conran Smith.
13. Mr. T. Sundara Rao Nayudu.
14. Khan Sahib Syed Tajuddin Sal Bahadur.
15. Mr. M. D. T. Ranganatha Muda yar.
16. " K. P. Raman Menon.
17. Rao Bahadur A. T. Pannirselvam
18. Subadar-Major S. A. Nanjap Bahadur.
19. Mr. P. C. Moses.
20. " P. Appu Nayar.
21. " Mahboob Ali Baig.
22. " J. A. Davis.
23. " W. K. M. Langley.
24. B. Pocker Sahib Bahadur.
25. Mr. B. P. Sesha Reddi.

Ayes 43. *Noes* 25.

The amendment was carried.

After Lunch (2-30 p.m.)

Clause 4, *sub-clause* (1) (*ii*).

Mr. U. C. Subrahmanya Bhatt:—" Mr. President, Sir, I beg move the following amendment:—

' *In sub-clause* 1 (*ii*) *after the words* " *social usage* " insert *t following*:—

" *and the parents or either of them if living of the fema or three adult members of her family living consent.*"

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" The object of this amendment is to minimize the ambiguities caused by the use of the words ' social usage,' custom, etc., occurring in this chapter. If this addition is made, then the vagueness, and the harmfulness done by these words would be considerably diminished. If the consent of the parents or other persons is obtained, the harm would be considerably diminished, while at the same time young men and women may not be able to contract marriages which are contrary or repugnant to the sense of society. The proposed addition of the words would check many social reform marriages which now take place. Still in some parts conservative ideas regarding marriages prevail; marriages among sub-castes are not allowed outside Malabar and declared to be legal by the decision of the highest court in the land. The section as it stands would prevent inter-marriages between sub-castes "

Mr. Basheer Ahmed Sayeed :—" I second it."

* Mr. K. P. Raman Menon :—" Sir, I am afraid that Mr. Bhatt has not realized the force of the motion made by the hon. Member, Mr. Arasu, and passed by the House, and how the section has been amended. According to that amendment, the words ' with whom conjugal union is permitted by social usage ' have been omitted. Why should Mr. Bhatt be very anxious to define ' social usage '? His objection would be valid if the clause had not been amended."

The amendment was, by leave, withdrawn.

Clause 4, *sub-clause* (1) (*b*) (*i*).

Mr. U. C. Subrahmanya Bhatt :—" Sir, I beg to substitute the word ' celebrated ' for the word ' solemnized.' My reason is this: As a matter of fact I do not think that among Aliyasantana people, there is any ceremony to be undergone or any marriage to be solemnized. My object is that the union should be openly celebrated."

Mr. Basheer Ahmed Sayeed :—" I second it."

* Mr. K. P. Raman Menon :—" According to the original draft the words used were ' openly solemnized in accordance with the customary ceremonies, if any '; so that, to a community that has no ceremony, solemnization is good enough. I wonder why the word ' celebrated ' should be used. It is really a distinction without any difference and I hope Mr. Bhatt will not press it."

The amendment was, by leave, withdrawn.

Clause 4, as amended, was put and carried, and was allowed to stand part of the Bill.

Clause 5.

Mr. Basheer Ahmed Sayeed :—" Sir, I rise to move—

' *that clause* 5 *be altogether omitted,*'

as I find that at this advanced stage of civilization in our country, it is superfluous and unnecessary to restrict the rights of individuals, either

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females or males, to have more than one marriage. I move the amend ment on the ground that this method of enforcing monogamy is nc conducive to the rapid and healthy development of society. Such c those hon. Members who have been watching events in countries beyon would be able to realize the necessity to avoid the utter and narrow con fusion this kind of enforced monogamy has caused in States like America England and countries on the continent of Europe. It is against huma nature to say that a man shall, under all circumstances, under all condi tions, under all climates, be restricted to only one wife. Any law, an religion, any society, if it is to contribute to the ordered development an progress of any society, must be in accordance with the laws of nature It must take into account the human habit and human nature itsel If you are going to act against human nature, human habits, huma inclinations and if you are going to say by one stroke of the pen tha such and such a human habit or human nature shall not have its way then I say you are so seriously interfering with the growth of society tha you will land yourselves into dangers which you cannot have an conception of now. What is the condition of society in the Wes to-day? Where have you got laws which say that a man shall love bu one maiden? We have had any number of cases where society in th West has gone to such a depraved level on account of this enforce monogamy. The morale of the society has become so very disintegrate that people would shun to think of the deplorable conditions obtainin in a few of the countries in the West. If only friends will recall t their mind the development of marital law in England and America if they will only remember the number of divorce cases, the numbe
3-45 p.m. of cases in respect of adultery, the number of cases in respect o bigamy, they can realize how rotten is the state of society in the West Sir, monogamy ought to be the result of the advancement of an order of society, but it cannot be forced in from outside. That is exactl what has happened in Islamic society. The Islamic society, I can sa with a certain amount of pride, does permit and allow of polygamy. I permitting polygamy, it has taken full stock of human nature an human habits. (Sriman M. G. Patnaik Mahasayo: 'What about poly andry?') Polyandry is left to my friend; but the Islamic societ recognizes only polygamy up to a limited extent, and it seeks to regu late human habits, human desires and human inclinations. Any law which does not take full stock of human nature has necessarily t defeat itself. We all know what exactly human passions are. At bes all that law can do is to regulate such human habits in the prope channel and to bring them within certain rules or limitations. Instead of that, if, as this clause seeks to do, you impose a law on the people to the effect that monogamy should be the rule and that polygamy should be uprooted, I say it will amount to a self-stultifying provision. This provision will not achieve its object, but it is sure to defeat itself. Why go and do a thing which will not result in anything substantially good but which will result in an order of society which you will shudder at and which you will not tolerate even for a moment, not

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even when you read about it in the newspapers. That state of affairs ought to be avoided in any country which seeks to advance in respect of social and marital relations. If you want to preserve the present order of society and improve it in healthy directions, it is all the more necessary that you should not put an end to the existing permissive polygamy. Probably, it will be better for us, as wise legislators, to say that we shall permit polygamy but shall not enforce it. By all means permit polygamy; let polygamy be resorted to after fulfilling and satisfying certain conditions and terms. That is what the Islamic law aims at. What has been the result of that so far as the Islamic society is concerned? There exists no doubt a rule that a man could have four wives—and that is the maximum. But what is in fact the actual state of affairs to-day? In a thousand families—if you make a research and if you examine statistics—you will find only one family or even only one individual in a family having more than one wife and that too in a very low stratum of society, not in all strata. It is only in a very low stratum that you will find people with plurality of wives. It is that ideal which we should all aim at; we should not stop with saying that polygamy should be abolished. This is a very drastic measure, and by this measure we would be stultifying ourselves. Let social opinion grow and in course of time you will find the same result achieved as it has been achieved in Islamic society. Monogamy is the pride of the Muslim although polygamy is permitted. It is very rarely that you find a Muslim with more than one wife, and the result is that in that society the relationship between man and woman is as it ought to be. I therefore suggest for the very careful consideration of my hon. Friends who are sponsoring this Bill that this clause should be omitted. Let people have the liberty of marrying more than one wife; but that liberty will be curtailed slowly by the growth of public opinion, so that in the result we may achieve what we want. This provision of the Bill, if left as it is, will go to prove that we are unwise legislators and it will not achieve the object we all have in view; on the other hand, it is likely to corrupt, disrupt and disintegrate society, and you can encourage it by nothing so much as by allowing the provision to stand as it is."

Mr. U. C. SUBRAHMANYA BHATT:—"Sir, I second this amendment, and I do so for two reasons. Firstly, unless a man is permitted to marry more than one wife, the provision that pre-divorce is necessary will work great hardship in the case of those who want to marry a second time. For instance, suppose a wife is incompetent to carry on marital relations and yet the husband does not want to divorce her, although he would like to have another wife, it would be impossible for him to do so, unless he divorces his first wife. If he does so, the first wife who is unable to carry on the marital relations will be actually thrown in the street. The provision of pre-divorce in the Bill will lead to great hardship in actual working.

"Secondly, the clause as it stands does not provide for second marriages even in exceptional cases such as incurable disease of either

party, incompetence to carry on marital relations in either party, want of children or sons, etc. As such, I think the clause should not be allowed to stand as it is. The best thing will be to delete it and leave it to the future legislators to make such amendments as may be necessary."

* Sriman M. G. PATNAIK Mahasayo:—" Sir, I was surprised to hear what the Mover of this amendment said. In the first instance, he says that we must all give free vent to our passions, and that passions should not be controlled. (Mr. Basheer Ahmed Sayeed: 'No; passions should be controlled.') Then of course there is no reason why he should say that a man should be allowed to have more than one wife. If you want to marry, you must have only one wife; but if you cannot control your passions, you may marry any number you please—but that is another thing. If my friend's principle is given effect to, it will amount to his impliedly advocating polyandry also. I think consistently with the amendment he has now introduced, he should also introduce such an amendment. Otherwise, I cannot understand what he said. The second point raised was that the woman may not be able to carry on marital relations. That of course is a perfectly reasonable proposition, and nobody can object to that, and it is for such cases that divorce is provided here. There is absolutely no reason why you should not have recourse to divorce and then take a second wife. In these days of civilization and enlightenment no woman would think of marrying a man who already has another wife, especially so in Malabar where women also are highly educated like men. I think already some letters have been written to a lady Member of this House that the women of Malabar object to more than one wife being taken by anybody. At the same time, my hon. Friend cuts at the root of his own argument by saying that though the Muhammadan law permits plurality of wives, the Muhammadans take only one wife. That naturally shows the growing enlightenment of the people. I therefore think that this amendment of my friend is subversive of healthy society and should not be tolerated by this House.

" It may be said that plurality of wives was tolerated in the olden days; but in those troublous times sons were so much prized that a man wanted to have a large number of sons who may protect him and his property. A man with a good number of sons was a source of great strength in those troublous times. (Mr. Basheer Ahmed Sayeed: 'Where did you read your history?') Well, under you, Sir, Muhammadans of course said that they would have more than one wife, because they wanted to plunder the property of others."

Mr. BASHEER AHMED SAYEED:—" I question it, Sir. I rise to a point of order. It is not proper to cast reflections, Sir, on a society, saying that that society wanted to plunder the property of others and that is why they wanted to have more than one wife. My hon. Friend may be called, Sir, to be a little more chaste and polished."

* The hon. the PRESIDENT:—" I do not think there is much point in that point of order."

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Sriman M. G. PATNAIK Mahasayo:—"I may say at once that I do not mean to disparage any community, especially the Muhammadan community. I simply said that in those days people married more than one wife." (Interruption.)

* The hon. the PRESIDENT:—"The hon. Member may continue his speech without allowing himself to be interrupted."

* Sriman M. G. PATNAIK Mahasayo:—"I think, Sir, these people cannot be silenced. I must now go on with my speech. (Laughter.) What I was saying was that in those days even the Hindu Law permitted plurality of wives. (Mr. Basheer Ahmed Sayeed: 'What about to-day'?) To-day of course we are enjoying peace. There is absolutely no reason why a man should have a lot of children. On the other hand, nowadays people consider it somewhat troublesome to have a large number of children. They find it difficult to educate them all, bring them up, and otherwise take care of them. That is the reason probably why throughout the world you hear of birth control being advocated. In former days people used to have even 14 sons, even though the sons had nothing to do with their fathers. A father used to take pride in the fact that he had so many sons. But nowadays it is absolutely unnecessary that there should be a plurality of wives because of obvious reasons; nobody wants that the family should multiply in a very short time. I think therefore that the clause should be allowed to stand as it is and should not be deleted."

* Mr. V. T. ARASU:—"Sir, I rise to oppose the amendment moved by my friend Mr. Basheer Ahmed. Mr. Basheer Ahmed based his arguments in support of his amendment on the injunctions laid down in the Koran. Sir, I claim to have read the Koran and to know something of the injunctions laid down in the Koran. Therefore, I am in a position to explain to my friend, and to the House, that the Koran—and much less Prophet Muhammad—never contemplated the encouragement of polygamy at all. Though in one section of the Koran it is stated that polygamy may be permitted, yet the very next section goes on to lay down the conditions therefor so that what is given with one hand is taken away with the other. Besides this permission is hedged in by so many conditions. On a reading of these sections, a true Muslim cannot but come to the conclusion that Prophet Muhammad was never in favour of polygamy. Therefore to base his argument on that and thus to encourage polygamy is, I think, absurd, and I would request my friend to read the Koran once again, and find out for himself if Prophet Muhammad at any time encouraged polygamy."

Mr. BASHEER AHMED SAYEED:—"On a point of personal explanation, Sir. I never said that Prophet Muhammad—let peace be on him—ever encouraged polygamy. I said he permitted polygamy. And by his permitting polygamy we have arrived at the very good result of monogamy."

Mr. V. T. Arasu:—" My friend does not make any distinction. As I was saying, Prophet Muhammad in his Koran has given permission to people to take more than one wife, but that permission is hedged in with conditions impossible to be fulfilled by any man. Therefore, any true Mussalman cannot but come to the conclusion that he has got to stick to one wife and one wife only.

" The reason on which my friend, the Seconder of this amendment, supported the encouragement of polygamy was the presumption on his part that it is possible that the wife a man takes may not give birth to a child, or a male child particularly.

" It has been proved beyond all doubt by all medical authorities that *it is only in very rare instances that a woman is sterile,* and that if no child is forthcoming of marital union, it is more due to the defect in man than in woman. Therefore, Sir, to say that because a woman does not give birth to a child, she should be cast away and that the husband should be given the liberty of taking another wife, is absurd and it is revolting to all sense of decency. Sir, it is only too well known to hon. Members of this House, how people who have taken more than one wife have suffered in the past, and do suffer even now. Therefore, I appeal to hon. Members of this House to wholeheartedly support the retention of the clause as it is in the Bill and enforce monogamy on everybody and particularly on people living in Malabar, because we find a considerable number of people living in the West Coast, particularly members of the Nambudri community, taking more than one wife. As a matter of fact, I understand that karnavans of some Nambudri illoms have as many as five or six wives. Sir, the hon. Lady Member of this House has received harrowing tales of how these ladies suffer in an illom and the torture to which they are put by karnavans and by other members of the family. If only the hon. Members of the House would take the trouble of reading the letters that Srimati Alamelumangathayaramma has received from the ladies of the West Coast, it will be plain to them that this sort of polygamy should not at all be encouraged and should be positively put an end to."

* Mr. K. P. Raman Menon:—" Mr. President, I do not want to reiterate the arguments about monogamy and polygamy, but I am afraid my hon. Friend, Mr. Basheer Ahmed, has not realized the consequences of the deletion of this clause. It will be seen that the two or three clauses coming thereafter are dependent upon this clause. (Mr. Basheer Ahmed: ' They may be amended.') No, they cannot be amended, but they have to be actually omitted. In clause 4, you state that marriages are valid under certain conditions and then you put restrictions upon these marriages by enforcing monogamy and in a later clause the processes are mentioned by which a marriage can be dissolved. That is the scheme of the whole chapter. On the other hand, if *Mr. Basheer Ahmed's amendment is carried, it comes to this, that a marriage which is valid under section 4 which provides as to how* marriages can be celebrated and what all marriages are valid, it is only

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those marriages alone that can be dissolved. That is how it stands. Then again, there is this difficulty which Mr. Basheer Ahmed did not probably contemplate. If this clause is taken away, is there any clause that restricts polyandry. (Mr. Basheer Ahmed: 'You should legislate against polyandry then.') Sir, as has been very pertinently pointed out by Mr. Patnaik, if a legislature should concede to a man the right of taking more than one wife, certainly it is but logical that a woman should be allowed to have more than one husband. (Mr. Basheer Ahmed: 'That is absurd.') Why absurd? (Mr. Basheer Ahmed: 'Woman is not man; man is man and woman is woman.') (Mrs. K. Alamelumangathayaramma: 'Then where is the difference?') You want that because man is legislating, he can have what he wants and he can legislate for plurality of wives and all that. Suppose it is an assembly of woman, and men are the weaker sex, are you prepared to accept the position that if they legislate they can have as many husbands as they like and that man should be debarred from having more than one wife? As a matter of fact, the law which is good enough for man is good enough for woman also. If there are certain cases in which marriages can be dissolved the same cases will be available for a woman also. You must look at the safety of the woman as much as you do for the safety of the man. Viewed in that light, certainly Mr. Basheer Ahmed would himself be aghast of the consequences when he thinks that polyandry should be encouraged. I therefore think that the clause in the Bill should stand as it is and that Mr. Basheer Ahmed's amendment should be rejected without hesitation."

Mrs. K. Alamelumangathayaramma spoke against the amendment in Tamil and the following is the true English translation of her speech:—

"Mr. President, Sir, the Marumakkattayam Bills generally relate to an important matter of social reform in Malabar. It is of vital importance that the honour, welfare and the rights of sisters in Malabar should be safeguarded. The present Bills aim at a healthy reform of the present marriage system. Sub-section (1) of clause 5 of Chapter II says, 'During the continuance of a prior marriage which is valid under section 4, any marriage contracted by either of the parties thereto or after the date on which this Act comes into force shall be void.' It is a matter for great regret to me that Mr. Basheer Ahmed Sayeed should bring in an amendment to delete this healthy provision. It is really strange that, at the present time, when efforts are being made by all to remove the obstacles in the way of the advancement of women and social legislations are being brought forward by reformers to effect that purpose, some Members should plead in favour of the evil custom of polygamy. It has been found that the best system of social life is monogamy. Polygamy is contrary to nature and harmful to society. It is productive of great evil to women. I strongly condemn the action of some Members of the Council who have spoken in support of polygamy. If the question is viewed from the point of view of equality and justice, no one will contend that there should be one standard for

men and quite a different standard for women. Mr. Basheer Ahmed, who is a Muhammadan, has stated that there is nothing wrong in having more than one wife and that Prophet Muhammad himself had many wives. I do not think Muhammadan reformers will endorse his view-point. Hindus may also contend that their gods have many wives and therefore polygamy may be allowed. Some Hindus are honestly under the impression that there is nothing improper in a man having many wives. I am strongly of opinion that this view is wrong. We must look at this question from the point of fairness and justice and when we do so, we cannot but condemn this system whether it is followed by gods or by men.

"If a man commits a crime such as murder or theft, and a woman commits the same crime, the law does not make much distinction in the matter of punishment. There is no difference in the sexes in that respect. But such a difference is sought to be made in the marriage law. To men's minds the prospect of a woman marrying many husbands is disgusting and revolting. Even so, it is with women when they think of one man living with many wives.

"My Nambudri sisters from Malabar have sent me a number of letters requesting me to speak against this tyrranous custom of polygamy. Chastity and loyalty is the best law. I feel in the interests of the public and in the interests of individuals, monogamy is the best system for all. It is not necessary for me to reiterate the fact that the institution of polygamy is against the best interests of society and against the best interests of the country.

"In view of these considerations, Mr. President, Sir I oppose the motion and request the hon. Members of the House to vote it down."

* Mr. V. P. Narayanan Nambiyar:—"Mr. President, while I appreciate the solicitude of Mr. Basheer Ahmed to provide the communities governed by the Marumakkattayam law with more wives than one, I am sorry that I have to oppose his amendment. The general sense of the communities governed by the Marumakkattayam law is that they should not contract another marriage when a prior marriage is subsisting and this Bill is only attempting to codify that general sense. Therefore if Mr. Basheer Ahmed really wants to help the communities governed by the Marumakkattayam law of inheritance, I would appeal to him to withdraw his amendment."

Mr. Yakub Hasan:—"Mr. President, Sir, Malabar was the only province—I might even call it a country—in the civilized world where polyandry was allowed and it was practised till very recently. Now, that custom has been practically abolished. It will be very unfair that from one extreme we go to the other extreme and in the same province to allow polygamy to take the place of polyandry. When you deny the right of a woman to have more than one husband, it will be inequitous and unjust that a man should be given the right to have more than one wife in that province. I oppose this amendment

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for another reason, so that hon. Members of this House may not be under the impression that Mussalmans are very very fond of polygamy, and that even when they are dealing with a Bill of this sort which has nothing to do with Mussalmans, they want to do away with this rule about monogamy. I want to remove that impression from hon. Members of this House. Mr. Basheer Ahmed cannot expect that human law will be as perfect as religious law. According to Koran, permission for marrying more than one wife has been given under such restrictions that it has made it impossible for any one to have more than one wife, and yet the Mussalmans have taken advantage of that permission and polygamy was rampant among Mussalmans. Therefore, even a religion which has restrictions laid down, did not prevent some Mussalmans from having more than one wife. At any rate, as I said, religious laws have to be such that under certain conditions it may be necessary to have more than one wife, and Islam does not prohibit it. If you make it a general law and if you remove this clause from this Bill, there will be nothing to prevent polygamy becoming as common as polyandry was at one time."

B. POCKER SAHIB Bahadur:—" Mr. President, Sir, I am very sorry that my hon. Friend, Mr. Basheer Ahmed, should have dragged Islam into this controversy and should have raised absolutely irrelevant issues in this clause. He must have realized that this piece of legislation has come to this stage after an attempt of at least two decades and the only object of this piece of legislation is not to Islamize the whole Malabar community, but is only to give recognition to the consciousness of the Hindu community of Malabar as regards the law of marriage and inheritance. . .

" If he looked at the whole piece of legislation from the right point of view, I am sure he could not have dared to bring forward such an amendment as this. I am really very sorry that the amendment that he has moved has also been misunderstood as representing the views of the Muslims, as I understood from the speech made by the hon. the Lady Member of this House. It is not the intention of Islam or even of the Muslim Members of this House to force the principles of Islam as regards polygamy or any other matter down the throats of people who belong to other faiths. As has been pointed out by my hon. Friend, Mr. Yakub Hasan, even the attitude of Islam as regards polygamy is a very restricted one. No absolute power has been given in Islam in regard to polygamy. But I do not think it is necessary for me to go into that question at all. The only question to be considered by the House is whether the community for whose benefit this piece of legislation is being enacted wants such a provision as regards polygamy or not. And I am sure all the Malabar Members of this House are unanimously agreed and the public also are practically unanimously agreed on the point. If my hon. Friend had taken the sense of the community and if his amendment was based on the result of his investigation, I could understand his moving such an amendment. But his

having based it on the so-called principles of Islam is quite wrong an it has led to misapprehension among the Members of this House. I only want to correct one statement made by my hon. Friend Mr Yakub Hasan, namely, that polyandry was prevalent in Malabar unti recently. That is not a very correct statement of facts. I do no want to say anything further on the matter. I would only appeal t Mr. Basheer Ahmed Sayeed in the name of Islam itself to withdraw this amendment."

Mr. Basheer Ahmed Sayeed:—" I am sorry, Sir, that many o the hon. Members who have spoken against the amendment have gone off the rails and at a tangent. They have misunderstood and misconceived the scope of the amendment that I have moved. I have said that to aim by means of legislation at monogamy is not the right kind of method to follow. If you want monogamy to come into being in the country where books on sociology have unequivocally stated tha polyandry, and promiscuous polyandry to speak more correctly, was the order of the day, I do not think, Sir, that it is really in the interests of society to do it. So many sympathisers are legislating that by a stroke of the pen you should enforce monogamy. Now, Sir, my whole point has been missed by hon. Members, both belonging to my community and others who do not belong to my community. I am not for polygamy as such. I say we should all strive at achieving monogamy, not by means of legislation and legislation of this drastic nature. The hon. Member for North Arcot constituency started rightly but unfortunately he drew wrong conclusions. In a country where promiscuous polyandry was the order of the day, if you want to go to the other extreme, the results I dread to think of. We have had experience of it though not directly but through books, reviews and newspaper reports. What has happened to society in England, in the United States of America and other countries? Are we going to have a repetition of all those things in this country? I do not want for a moment, as my hon. Friend from Malabar understood me to say, to Islamize Malabar. I only want to Malabarize Malabar but I do not want to Islamize it. I only wanted to refer to the example and the precedent obtaining in the religious code of Islam to show that you cannot achieve monogamy by saying that you shall not have recourse to polygamy. But if you permit it, leave society as it is, create social opinion, and leave it to public opinion gradually to evolve itself, then it will tend to monogamy. But if you are going to enforce by means of legislation, it will lead you into complications. You will be stultifying yourselves. My hon. Friend, the Lady Member, has misunderstood me in thinking that I am advocating polygamy. I am not at all advocating polygamy. I only showed the state of society in Islam wherein by permitting polygamy you have achieved the right kind of result. In this clause you are trying to uproot polygamy by saying that there should be monogamy. It is against human nature. You must, in legislating, take stock of human nature, you must consider

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the existing laws, the social system and other conditions. You cannot achieve any result if you are going *to act against all these*. You would only be courting disaster if you contravene these conditions. So I would appeal to my friends to think and concentrate on this point, that it is not fruitful, that they are not going to achieve any good result by means of legislation for monogamy. I may be referred to the recent laws passed in Turkey. Turkey initiated monogamy by means of legislation, but it is very recent, and it remains to be seen what is going to be the result of that enforcement of monogamy in that country. The example of the west has shown it. The eastern legislators have been wiser than the western legislators, and they have taken full stock of human nature. So what I say is, let us all strive for monogamy but not by this kind of legislation. I am not prepared to accept the testimony of one or the other of the hon. Members from Malabar, because I have found in this Bill they are very often contradictory. There are differences between one Member claiming to represent Malabar and another claiming the same thing. We have seen on a previous occasion another amendment was opposed by some Members from Malabar, i.e., that the words 'social usage' should be omitted. One party was against it and another party was for it. So, I refuse to believe that the Malabar Members are the representatives of public opinion. It is unnecessary to accept or take for granted that what they say is the truth. I think I represent the proper view in this matter and I appeal to hon. Members to support my amendment."

The amendment was put and declared lost. Mr. Basheer Ahmed Sayeed demanded a poll, and the House divided thus:—

Ayes.

1. Rao Sahib N. Siva Raj.
2. Mr. Basheer Ahmed Sayeed.
3. Ahmed Meeran Sahib Bahadur.
4. Mr. U. C. Subrahmanya Bhatt.
5. ,, H. M. Jagannatham.
6. S. M. K. *Beyabani Sahib Bahadur.*

Noes.

1. The hon. Khan Bahadur Sir Mahomed *Usman* Sahib Bahadur.
2. ,, Diwan Bahadur Sir M. Krishnan Nayar.
3. ,, Sir Archibald Campbell.
4. ,, *Mr. H. G. Stokes.*
5. ,, Diwan Bahadur S. Kumaraswami Reddiyar.
6. ,, Mr. P. T. Rajan.
7. ,, Diwan Bahadur B. Muniswami Nayudu.
8. Rao Bahadur G. Jagannadha Raju.
9. Mrs. K. Alamelumangathayaramma.
10. Mr. C. E. Jones.
11. ,, J. A. Thorne.
12. ,, H. M. Hood.
13. ,, B. Madanagopal Nayudu.
14. ,, S. H. Slater.
15. ,, E. Conran Smith.
16. ,, T. Sundara Rao Nayudu.
17. Mr. K. P. Raman Menon.
18. Rao Bahadur A. T. Pannirselvam.
19. Mr. M. Devadasan.
20. Subadar-Major S. A. Nanjappa Bahadur.
21. Mr. M. Vedachala Mudaliyar.
22. ,, B. P. Sesha Reddi.
23. ,, M. S. Sreshta.
24. ,, P. V. Rajagopala Pillai.
25. ,, V. G. Vasudeva Pillai.
26. ,, P. Appu Nayar.
27. ,, T. Narasa Reddi.
28. ,, C. Indriah.
29. ,, R. M. Palat.
30. ,, P. K. Ramachandra Padayachi.
31. Rao Sahib V. Dharmalingam Pillai.
32. The Raja of Bobbili.
33. Mr. A. V. Bhanoji Rao.
34. Diwan Bahadur A. M. M. Murugappa Chettiar.
35. Rao Sahib P. Subrahmanyam Chetti.

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Noes—cont.

36. Mr. S. A. A. Annamalai Chettiyar.
37. " D. V. Narasimhaswami.
38. Pandit Ganala Ramamurti.
39. Mr. K. Kesava Ramamurti Nayudu.
40. Sriman M. G. Patnaik Mahasayo.
41. Dr. P. Subbarayan.
42. Mr. Yakub Hasan.
43. " K. R. Venkatarama Ayyar.
44. Rao Bahadur T. A. Ramalingam Chettiyar.
45. B. Pocker Sahib Bahadur.
46. Mr. V. P. Narayanan Nambiyar.
47. " M. A. Manikkavelu Nayakar.
48. Mr. Abdul Hameed Khan.
49. " F. J. Stanes.
50. " W. K. M. Langley.
51. " C. Satyanarayana Choudari.
52. Rao Bahadur C. Natesa Mudaliyar.
53. Mr. C. Basu Dev.
54. Diwan Bahadur S. Ellappa Chettiyar.
55. Mr. V. T. Arasu.
56. Rao Sahib V. I. Muniswami Pillai.
57. Rao Bahadur R. Srinivasan.
58. Mr. G. R. Premayya.
59. " C. Krishnan.

Ayes 6. *Noes* 59.

The amendment was lost.

Clause 5 (1).

Mr. C. C. Subrahmanya Bhatt:—" I move—

'*In clause* 5 (1) add *the following proviso at the end*:

" *Provided that in the case of subsequent marriages contracted by non-Marumakkattayees the marriage shall not be void but that they shall be liable to any punishment which the local Government may fix* ".'

" The purpose for which this amendment has been introduced is to prevent marriages contracted by Brahmans where the parties are Nambudris or other Brahmans being declared as void. According to the clause as it stands all marriages between a non-Marumakkattayee male and a Marumakkattayee female, including marriages between non-Marumakkattayees themselves will be void. One cannot understand, Mr. President, how samskaras between Brahmans can be declared to be void. In order to avoid this difficulty I beg to move this amendment. While this amendment puts a check upon subsequent marriages, it prevents marriages among non-Marumakkattayees becoming void."

Mr. Basheer Ahmed Sayeed:—" In seconding the motion, I would only draw the attention of the great protagonists of monogamy to this one more case of the absurdity which they want to bring about. According to Hindu law and custom marriage is a sacrament and samskara and once performed it enures till the life of the parties and even later. Widows are called upon to keep the bed of their lords unsullied if they are going to be the recipients of the estates of their lord. That being the case I do not know, Sir, how it has been possible for the Hindu friends opposite who belong to Hindu society to go against samaskaras and sacraments. Datta Homams and Sapthapadis cannot be absolved. They enure for ever till eternity. That being so how can these people meddle with a thing so sacred as that. I would therefore invite the attention of the Mover and the

supporters of the Bill that they should not treat so lightly the sacraments that obtain in Hindu society. They must therefore accept the amendment of my Friend from South Kanara."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" May I know, Sir, what the word ' they ' means ? "

Mr. U. C. SUBRAHMANYA BHATT :—" It is a clerical error. It should be ' non-Marumakkattayees '."

* Mr. P. APPU NAYAR :—" I oppose the amendment. It arms the executive with power to make laws by means of orders which has been condemned. No legislature has yet armed the executive with powers of prescribing punishments at their pleasure. Apart from this the intention is to attract the penalties under the Penal Code for bigamy if a person contracts a marriage which is void by reason of its having taken place during the continuance of a prior marriage which is recognized as legal. Section 494 says where a marriage is void because it took place during the continuance of the previous marriage, etc."

Mr. BASHEER AHMED SAYEED :—" Curious interpretation."

Mr. P. APPU NAYAR :—" No. It will apply if the subsequent marriage is void on account of its taking place during the continuance of a prior marriage. The amendment as it stands would enable the local Government to inflict any punishment for a bigamous marriage, even transportation or death. I do not believe the hon. Member intends this."

B. POCKER SAHIB Bahadur :—" In opposing this amendment I have to draw the attention of the Mover to the fact that, if his amendment is carried, the result will be that clause 1 and the proviso put together will be a *contradiction in terms*. The first clause as it stands says: During the continuance of a prior marriage any marriage contracted by either party shall be void. The proviso says: *Provided that in the* case of subsequent marriages contracted by non-Marumakkattayee, the marriage shall not be void but that they shall be liable to any punishment which the Local Government may fix. If you really want it to make these subsequent marriages valid, I do not think the way to do it is by an amendment of having a proviso like this. The Mover wants me to suggest any other way. But I am deadly opposed to carrying out his object. The object of the amendment is entirely opposed to the motion. So I do not think the hon. Member is in order in making this amendment apart from the irregularity and absurdity."

The amendment was put and lost.

Mr. U. C. SUBRAHMANYA BHATT :—" My next amendment is—

' *In clause* 5 (2) add *the following proviso at the end*:

" *Provided that this clause shall not apply in the case of Nambudiris following the Marumakkattayam law* ".'

" This refers to a case of a Nambudri following a Marumakkattayam law having a Nambudri wife, not one having a Nayar wife or any

other Marumakkattayam wife. If this clause is allowed to stand as it is, Marumakkattayam female would include a Nambudri female following Marumakkattayam law. This Act does not seek to legislate for Nambudris. That being the case, if the clause stands as it is, a Nambudri following Marumakkattayam law who has married a Nambudri woman following a Marumakkattayam law would be prevented from marrying a second time which is not contemplated to be done here. That is why I have introduced this legislation here in order to prevent this clause from affecting cases of marriages of Nambudri women both for the first and the second time."

* Mr. K. P. Raman Menon:—"If the Mover had looked at section 12 which is to come later on, he will find that this question of marriage has nothing to do with Nambudri women and this chapter does not apply to Marumakkattayam Nambudris. Then the only other possibility is for a Nambudri man to marry a Marumakkattayam woman. That will be allowed if the amendment of Mr. Bhatt is accepted. If, as a matter of fact, you are going to enforce monogamy, why should an exception be made with reference to Nambudri men following Marumakkattayam? It goes against the previous vote with regard to polygamy. I think Mr. Bhatt is out of order. It really aims at questioning the verdict of the House on the question of polygamy."

The amendment was, by leave, withdrawn.

Clause 5 was put and carried and allowed to stand part of the Bill.

Clause 6, sub-clause (b).

* Mr. P. Appu Nayar:—"I move—'*that in sub-clause (b) to clause 6 the word 'formal' be omitted, and for 'a,' the word 'an' be substituted.*'

"It is purely a formal amendment. The word 'formal' is unnecessary."

The amendment was put and carried.

Clause 6, as amended, was then put and carried and allowed to stand part of the Bill.

Clauses 7 and 8 were also put and carried, and allowed to stand part of the Bill.

Clause 9.

Mr. U. C. Subrahmanya Bhatt:—"The amendment that I move, Sir, is this—

> '*In line 6, after the words "was contracted between the parties" the words "on sufficient cause being shown" shall be inserted*'

"The object of this amendment is to prevent parties to a marriage contract from going to court without any reason whatsoever and claiming dissolution of the marriage. One can really not understand

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as to why there should be such unrestricted dissolutions of marriage. It may be that parties to a marriage seek divorce on very frivolous grounds or reasons. It may be that on immoral grounds the parties want to have divorce. It may be that for the sake of obtaining some money by the transaction the parties may want divorce. Such being the case, is it to the interest of the society that such unrestricted divorce should be allowed, or would it not be greatly advantageous to leave it to the court to allow divorce only for proper and valid reasons. Again, Sir, it is quite possible that this right of unrestricted divorce may be abused, and people may be put to real hardship. Especially when rights of property are given to either party and partition is allowed in family property to both the parties, restrictions have to be put upon frivolous dissolutions. It is quite possible, Sir, for the sake of the money, for the sake of property which a man is likely to get, he or she may ask for divorce without any other ground. Such being the case, when rights of property and rights of partition are allowed to persons, a man or a woman should not be allowed to seek divorce of relationship without sufficient reasons. So, I think that unrestricted divorce should not be allowed. For this reason, the amendment may be accepted."

Mr. ABDUL HAMEED KHAN:—"I second it."

* Mr. K. P. RAMAN MENON:—"Sir, in his solicitude for the welfare of the members of the Marumakkattayam community (Mr. U. C. Subrahmanya Bhatt: The Aliyasantana community also)—when I say the Marumakkattayam community I always mean the Aliyasantana community as well—in his solicitude for their welfare, I am afraid Mr. Bhatt has overshot the mark. As Mr. Bhatt must be aware, marriage in Malabar is as free as air so far as these communities are concerned. We are legislating for these communities and we are putting on some brakes over these people. If, as a matter of fact, you go on putting restrictions upon restrictions which are against the sense of the community, we will be adding to their disabilities and create unpopularity. As a matter of fact, we are providing for legalising the conjugal unions known as *Sambandams*, i.e., making them regular marriages under the law. We have provided that by previous provisions. If we are going to provide that they are legal marriages, if you do not provide for a means of divorce, it will be rather difficult for the people to accept the law and to work the law, so that you must proceed on the lines of least resistance. Therefore make divorce as easy, almost as easy as it is now among the people who follow this law. That is the reason why provisions for divorce are introduced into the Bill as it now stands.

"Then, again, Mr. Bhatt says that by introducing the words 'sufficient cause' you will be putting a check upon indiscriminate divorce. But has Mr. Bhatt contemplated the possibility of a court of law enquiring into the questions of sufficient cause? Mr. Bhatt must naturally and necessarily remember that this matter engaged our

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anxious consideration in the Select Committee as to whether reasons should be given and what reasons should be investigated before a divorce can be pronounced by a court, and we thought it better to copy the Travancore and Cochin Regulations in this respect and to avoid all investigations into the reasons for the divorce. Such investigations, we find, do necessarily produce very undesirable consequences. We have had the revolt of public opinion against divorce court proceedings reported in the newspapers, and especially in England now such proceedings cannot be published in the papers. Are we not to profit by the experience of the westerners and make provision for not inviting all those evil consequences of investigations into the reasons? That is another object with which we advisedly omitted to put in the words 'sufficient cause.'

"Then, Mr. Bhatt says that getting money will be a motive for divorce. I really cannot understand how that can be. I can understand the probability of a claim to set up a marriage—and not to set up a divorce—being a motive to obtain money. A man or a woman may claim to be married to another who is wealthy because if that marriage is regarded as valid one party or the other may profit by the transaction. But how can a divorce accelerate any such claim for money I fail to see. I can well visualize the possibility of a man or woman trying to divorce a poor wife or husband in order to be married to a rich wife or husband. Such instances, if they do occur, are bound to be very rare, and I believe that public opinion will be a sufficient check to prevent such instances occurring in society.

"As it stands, introducing the words 'sufficient cause' is very dangerous and will give a handle to all sorts of enquiries into matters which are not at all desirable to be published, and it should certainly be avoided by all possible means."

Rao Bahadur C. NATESA MUDALIYAR:—" Sir, when I was reading the Bill as amended by the Select Committee, I thought there should be something like giving reasons for the separation. Otherwise, anybody, as Mr. Bhatt said, who wants money can marry into a rich family and after squandering all the property he may say 'I want divorce'. It is very dangerous in that way. Moreover if a man is married to a poor girl, he may try to cheat that girl by saying 'let me divorce that girl and be married to another wife'. Moreover, this Act itself will not be an improvement upon the customs prevailing now if such a restriction upon divorce is not placed. I suppose Mr. Raman Menon and other hon. Members who belong to Malabar and know more of the customs there than myself will accept this. By not putting in the words 'sufficient cause' I am afraid it will be taking away the whole good from this Act. In fact, we will be leaving the society in Malabar in the same state of chaos as it is now. Probably giving some reasons, if not sufficient reasons, may be insisted upon. What is the use of this Act if it is not intended to be

an improvement upon the existing state of things there? It is not to be left as if people can contract a marriage to-day and dissolve it to-morrow. People consider marriage not as a mere contract but as the union of soul with soul before God. So, Sir, there should be some reasons for seeking a separation, instead of a dissolution of marriage being made available for no reasons. Otherwise, I think it will be creating as much chaos as we are now having in Malabar to-day."

Mr. K. Koti Reddi:—"I believe that my Friend who wants to introduce this amendment forgot that we are legislating for a portion of the country where special customs and usages exist. Before legislating on the question of dissolution of marriage, one should rather think twice before he comes forward with any proposals. Ordinarily in Malabar, there is no dissolution of marriage. Husband or wife can separate and marry another. As such, I see no reason why that freedom which exists now should be curtailed. After all, the expression 'for sufficient reasons' is very vague. If the dissolution should be restricted to some particular reasons, that would be quite a different thing. The expression 'sufficient reason' varies as the chancellor's foot. Incompatibility of temper may be given as one of the reasons. No munsif will take it as a sufficient reason. We must be more specific. That is the way in which the law is laid down in other countries. The question is whether dissolution can be provided for under the present usage and custom without any restriction. I see no reason for imposing any such restriction. This legislation is only for a particular part of the country, and I do not think the amendment will serve any useful purpose. We ought not to restrict the freedom that now exists in Malabar."

* Mr. P. Appu Nayar:—"Sir, I have the misfortune to again oppose the amendment of my hon. Friend, Mr. Bhatt. This clause was reproduced from the Malabar Marriage Act, which allows complete freedom of divorce to either party. If the court is to allow divorce only for 'sufficient reasons', as my hon. Friend who just spoke mentioned, 'sufficient reason' will have to be defined, and unless it is done, 'sufficient reason' will vary as the chancellor's foot. The clause in the Bill is not a new one, because as long ago as 1896, the Malabar Marriage Act was passed by this Council and it contained exactly the same provision. Under that Act, certain marriages were recognised to be legal and the method of dissolution was exactly the same as provided here, with slight verbal changes, but there is absolutely no change in substance. This in fact is the law in the Cochin State except that the Cochin Act provides for payment of some monetary compensation to the wife. The Select Committee has thought it best to omit that provision, because it may be that the ground for divorce was unfaithfulness and in that case you should not compel the husband to pay compensation to the guilty wife. That will be placing a sort of premium on unfaithfulness. Society in

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Malabar is prepared to accept the clause as it is. What we are now doing is to recognize the existing conjugal unions as legal marriages and to give full liberty of divorce. If the husband or wife wants to annul their marriage, he or she has only to file a petition in court. We have allowed six months' time as *locus penitentiæ*, for within six months it is open to the parties to change their minds If the parties come to an agreement, the petition will go and the marriage will continue valid. There is also nothing to prevent the parties if they are so inclined from re-marrying. My hon. Friend, Mr. Basheer Ahmed, was referring to the difficulties in America and England in the matter of getting a divorce. There was no such difficulty in Malabar and the liberty which Malabar has hitherto enjoyed this Bill endeavours to preserve. There is nothing unfair in that. There is no chance of a divorce being obtained in the heat of the moment, because six months must elapse after the service of notice of the petition before a divorce can be ordered and the party who filed the petition should move the court after six months if he wants a dissolution of the marriage. I think it is a very reasonable provision."

Mr. U. C. Subrahmanya Bhatt:—"Sir, my hon. Friend, Mr. Koti Reddi, said that at present there is absolutely no restriction for divorce and that there can be no harm to continue that freedom even in this Bill. No doubt at present there is no legal marriage at all; people have freedom to contract alliances and dissolve them at their pleasure. But by this enactment we give the rights of partition and other valuable rights. As I said, my hon. Friend, Mr. K. P. Raman Menon, did not quite understand me when I said that this provision for unrestricted divorce would lead to great hardship, especially when rights of property are involved. What I mean is this. Suppose a man was married to a very poor female, and suppose another wealthy girl has fallen in love with him or he wanted to marry another wealthy girl, he can easily get his wife divorced for no reason whatsoever. Vice versa, a woman can do the same to her husband. This would lead to endless troubles. That was why I said that when we give rights of property and rights of partition to them, such unrestricted divorce should not be allowed. It must be for some reasons which the court must consider valid.

"Secondly objection was taken to the expression 'sufficient reasons.' 'Sufficient reasons' is better than no reasons. Instead of there being no restriction at all, 'sufficient reasons' would be something of a check, however vague the expression may be."

The amendment was put and lost.

Clause 9 was put and carried and was allowed to stand part of the Bill.

Clauses 10, 11 and 12 were put and carried and allowed to stand part of the Bill.

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Clause 13.

B. POCKER SAHIB Bahadur:—" I move—

'*that the following words be inserted after the first paragraph of sub-clause* (1):—

"*and in cases where the father is unable to maintain such minor children, they shall be entitled to be maintained by their mother.*" '

" It may be that in certain cases the father will be unable to maintain the minor children of the description referred to in the clause as it stands, and it may be also possible that the mother is in well-to-do circumstances and able to maintain the children. In such circumstances, it is only quite reasonable that the legal liability to maintain the children should be cast on the mother, apart from the moral liability which ordinarily no mother would shirk. Certainly the father has as much moral liability as the mother, if not more. We have given legal effect to the moral liability of the father. When that is so, it is only reasonable that at least in cases where the father is unable to maintain the minor children but the mother is in a position to do so, there should be a legal liability cast on the mother to maintain the children. I do not think any further argument is necessary in support of this amendment which speaks for itself."

Mr. Basheer Ahmed Sayeed seconded the amendment.

* Mr. K. P. RAMAN MENON:—" I have to oppose this amendment, for liability of the father and the liability of the mother do stand on different footings altogether. The liability of the father is recognised in all systems of law. It is supposed to be natural law. Under the criminal law even, the father is bound to support the children. There is no such liability on the mother in any system of law. If I am wrong, I may be corrected by my hon. Friend, Mr. Pocker Sahib. There is also this fact which probably may take away the apprehensions from the mind of my hon. Friend. So far as the mother is concerned, the property that she gets is usually *tavazhy* property; it is property which she gets either from a tarwad or from her husband. Those are the usual vennes. In either case, the children are entitled to maintenance under the other provisions of the Bill, so that the difficulty is not likely to crop up with reference to women owning property. If, on the other hand, a woman by her own exertions or art which she has cultivated, is able to acquire property, there is no reason on which one can base a claim for the minor children, because that is not recognised under any system of law. Under the Hindu law the father is bound to maintain his children. No doubt it may be asked if the father is not able to maintain the children, why should not the mother bear the burden. No doubt it is quite possible, but it is unknown in any system of law. Supposing the property is her own property but not the property of the husband or tarwad, there is no reason to impose on the Marumakkattayam mother the liability to maintain the children out of her own property."

B. Pocker Sahib Bahadur:—" From the speech of my hon. Friend I am convinced of the necessity all the more of having my amendment carried. The reason is under the new system of devolution of property that is going to come into force by this Act females are likely to inherit and possess separate properties which cannot be called tavazhi property. He just cited one instance in which the woman gets the properties of the tarwad and he also added that that property will be tavazhi out of which she will be bound to support the children. Certainly if that property continues to be a tavazhi property, she will be bound to maintain the children.

5 p.m. " It may so happen that the partition took place at a time when her children were not born and she was the only person entitled to the property. Then it becomes her separate property on partition and the woman who alone was entitled to that property and who remained unmarried or even, if married, not possessed of children afterwards, can dispose it of in any manner as she likes under the provisions of this Bill, and if even if she begets children if she is not able to maintain them, there is no legal liability cast on the mother. Even though she possesses property which she obtains on partition of the tarwad or by means of other sources, she is likely to possess property out of which she can maintain her children, but out of which the minor children cannot as a matter of right claim any share for their maintenance. So there are many cases in which women can get separate property under the provisions of this Act but to which the minor children are not entitled for maintenance as a matter of right. So on accouut of the provisions of this Bill the minor children will be deprived of their due share perpetually. But even the tarwad property or the tavazhi property might not have been divisible previously but may become so under the provisions of this Act. In that case the mother becomes the sole proprietor of the property. Or the tarwad or the tavazhi property may disappear on account of other causes. In such cases the minor children will not be able to maintain themselves. It is with a view to provide for such contingencies that I have brought forward this amendment so that legal liability may be cast on the mother to maintain her children. It has been said that there is no other system of law under which the liability is cast upon the mother to maintain her children. I do not think my Friend Mr. Raman Menon is quite accurate in that statement but whatever might be the other systems, the position is this: both the father and mother are responsible for the coming into existence of the children. If the father is legally liable to maintain his children, certainly the mother is morally liable to maintain them. Legal liability is not cast upon her under certain systems of law. But the mother under certain circumstances will even forego her food and maintain her children. But circumstances may arise under the new Act in which the children may be helpless and the mother may have the means of maintaining the children. The mother may have been divorced or she may marry another husband or children may be born by the second husband. We all know when children are born to both the

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husbands, it may be that she may be more fond of the children born to her by her subsequent husband than those children born to her by her former husband, and the former husband may not be in a position to maintain these children. There are ever so many circumstances and in such cases it will be a great hardship to the children if legal liability is not cast upon the mother to maintain her children. Under those circumstances I submit that my learned Friend has not given sufficient reasons for not accepting my amendment. I press my amendment."

The amendment was put and lost.

Clause 13 was put and carried and was allowed to stand part of the Bill.

Clause 14.

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"I beg to move—

'*that at the end of clause* 14 *the following be added*:—

"*Provided further that this section shall not apply to the ladies belonging to the tarwads mentioned in the schedule annexed to this Bill and their children who live in their own tarwad houses and not with their husbands.*" '

"Well, Sir, it is unnecessary for me to say very much."

B. POCKER SAHIB Bahadur:—"I second it."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I may tell my hon. Friend Mr. Ramalingam Chettiyar that Mr. R. M. Palat and others who hold views similar to those of Mr. Ramalingam Chettiyar, and my hon. Friend, Mr. Raman Menon, and others who hold contrary views with reference to one important provision in the Bill, namely, that relating to partition, are thinking of effecting a compromise with reference to this question. The provision which my hon. Friend, Mr. Ramalingam Chettiyar, wants to introduce is very intimately connected with the provision which Mr. R. M. Palat and others are trying to introduce by effecting a compromise. We may come to some understanding before coming to the Council to-morrow. If it is agreeable to my hon. Friend, Mr. Ramalingam Chettiyar, and if my Friends, Messrs. Raman Menon and R. M. Palat, also agree, I submit that this amendment may stand over till to-morrow."

The motion to adjourn the consideration of the amendment was put and carried.

Clause 15.

* Mr. P. APPU NAYAR:—"I beg to move—

'*that* for *the words* "*has divorced their mother*" substitute *the words* "*the marriage of their parents is dissolved*".'

"Sir, the reason for this amendment is to reproduce exactly the idea which the Select Committee had in their minds. The clause as it stands will apply only to a case where the father has divorced the mother, but will not apply to a case where the mother has divorced the father. To cover both the cases I move this amendment."

B. Pocker Sahib Bahadur:—" I second it."

The amendment was put and carried.

Clause 15, as amended, was put and carried and was allowed to stand part of the Bill.

Clauses 16, 17 and 18 were put and carried and were allowed to stand part of the Bill.

Clause 19.

* Mr. P. Appu Nayar:—" I beg to move—

'*that for the words " widow or both " the words " a widow or widows or both his mother and a widow or widows " be substituted.*'

" The amendment is more or less consequential, because in the succeeding clause 20 reference is made to the case where there is more than one widow. To cover such cases the amendment is necessary. It is more or less of a formal nature."

Mr. K. P. Raman Menon:—" I second it."

The amendment was put and carried.

Clause 19, as amended, was put and carried and was allowed to stand part of the Bill.

Clause 20 was put and carried and was allowed to stand part of the Bill.

Clause 21.

* Mr. P. Appu Nayar:—" I beg to move—

'*that after the words " the other half on his widow or widows " the words " in equal shares " be inserted.*'

" The idea is to make it clear that where there is more than one widow, the property inherited should be equally divided among them."

B. Pocker Sahib Bahadur:—" I second it."

The amendment was put and carried.

Clause 21, as amended, was put and carried and was allowed to stand part of the Bill.

Clauses 22, 23, 24, 25, 26, 27, 28 and 29 were put and carried and were allowed to stand part of the Bill.

Clause 30.

30 m. * Mr. V. T. Arasu:—" Mr. President, I move—

'*that in sub-clause (1) (ii) for the words " one-half " the words " one-fourth " be substituted.*'

" The effect of the clause as it now stands will be this: if a Nambudri who is not a marumakkattayee has three or four Nambudri wives and has contracted sambandham with a Nayar woman in addition to this, the Nayar woman will be in the same position as all the other

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Nambudri wives put together. She will get half the property of her husband while all the three or four Nambudri wives and their many children will among themselves get only the other half of the property. It is unfair that one wife who does not belong to the community to which the Nambudri belongs should be placed in an advantageous position as compared with the three or four belonging to his own community. At present many Nambudris—I am informed that it is the case with most of them—have more than one wife. It is but fair and just that we should place the Nambudri wives in the same position as the non-Nambudri wife with regard to the property of the Nambudri who dies intestate. Besides, this clause confers certain rights on certain other relations of the intestate also. Therefore such people, if there are any, who are according to his personal law entitled to inherit a portion of his property, also will be placed in a very disadvantageous position. Therefore, I suggest that the word one-half be changed to one-fourth, so that the non-Nambudri wife of a Nambudri may be placed on a fairly equal footing with the rest."

Mr. U. C. SUBRAHMANYA BHATT:—" I second it."

* Mr. K. P. RAMAN MENON:—" I am afraid this amendment is the result of a misapprehension on the part of Mr. Arasu. As a matter of fact, Nambudris who contract sambandham with Nayar women are not gentlemen who have married Nambudri wives already. Of course there may be instances, very rare instances, of men who contract sambandham even though they have their caste wives. The custom among the Nambudris is the eldest son alone is allowed to marry a caste wife. Whether it is founded on law or not, the custom is what I have stated. The other sons marry non-Nambudri wives. It is very rarely that you find a Nambudri who has got a Nambudri wife marrying a Nayar wife also, so that the difficulty anticipated by Mr. Arasu will not arise in practice. Then again Mr. Arasu should consider that it is only with reference to present day existing marriages and not for the future. With regard to the future we have made a provision in the Bill altogether prohibiting such marriages. If a Nambudri has a Nambudri wife, he is not allowed to marry a Nayar wife. To avoid the hardship that would be caused if Nayar wives did not get any property of their Nambudri husbands, this provision is introduced in this Bill. No such cases are likely to occur in future after this Bill is passed. Mr. Arasu says that a Nambudri may have two or three Nambudri wives and one Nayar wife in which case the single Nayar wife who belongs to a different caste will get half the property while all the three or four Nambudri wives will get only the other half of the property divided among them, and asks whether it will not be a hardship on the Nambudri wives. No doubt it will be a hardship but let us look at the other side of the picture. It may be that a Nambudri has one Nambudri wife and two or three Nayar wives in which case there will be a hardship felt by the Nayar wives. The point is: you cannot go on providing for all sorts of contingencies which are very unlikely to occur. We have to take matters as they stand at present. It is very rarely that you will come across any such

fficulty in the application of this provision, especially when you member that in future such marriages are prohibited by law. I hope, erefore, that my hon. Friend, Mr. Arasu, will be persuaded to withaw his amendment."

* Mr. V. T. ARASU:—" Sir, I am surprised that the hon. Member om Malabar should oppose this amendment. As I pointed out, it is a ry simple amendment as it seeks to place the Nambudri wife of a ambudri husband in the same position as a non-Nambudri wife. The n. Member from Malabar said that it may be that a Nambudri may ive one Nambudri wife and two or three Nayar wives. But it must be rne in mind that when the Nambudri contracted this sambandham ith Nayar ladies, he had not the slightest idea that his Nayar wives ill be given the right to inherit his property. Now that you are introicing an innovation (Mr. Raman Menon: The same is the case with the ayars also: they never contemplated these changes) to legalize all mbandhams, I urge that the Nambudri wife should be placed in the me position as the Nayar wives. According to the existing law, a ayar wife is entitled only to a small maintenance, and I doubt whether en that small maintenance is reguarly paid. The Nambudri conacted the sambandham in the hope that at the worst, he would be lled upon to pay only a small maintenance. Now that we are conrring a right on non-Nambudri women to claim partition of the selfquired properties of Nambudris, I urge that at least in the cases isting at present, we must provide that the Nambudri wives are not aced at a disadvantage as compared with the Nayar wives. As we are nferring this right of inheritauce for the first time, we would be doing glaring injustice if we leave the clause as it stands. I would only peal to the House to accept my amendment and remove this glaring justice."

The amendment was put and declared lost. A poll was demanded d the House divided thus:—

Ayes.

. Dr. P. Subbarayan.
. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
. Mr. K. M. Duraiswami Reddiyar.
4 Mr. K. S. Sivasubrahmanya Ayyar.
5. ,, V. T. Arasu.
6. Rao Sahib V. I. Muniswami Pillai.

Noes.

. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur.
. ,, Diwan Bahadur Sir M. Krishnan Nayar.
. ,, Sir Archibald Campbell.
,, Mr. H. G. Stokes.
Mr. C. E. Jones.
,, J. A. Thorne.
,, H. M. Hood.
,, R. Madanagopal Nayudu.
,, S. H. Slater.
,, E. Conran Smith.
,, T. Sundara Rao Nayudu.
12. Khan Sahib Syed Tajuddin Sahib Bahadur.
13. Mr. K. P. Raman Menon.
14. ,, M. B. Rangaswami Reddi.
15. ,, M. Devadasan.
16. Subadar-Major S. A. Nanjappa Bahadur.
17. Mr. P. Appu Nayar.
18. ,, T. Narasa Reddi.
19. ,, R. M. Palat.
20. ,, P. K. Ramachandra Padayachi.
21. Rao Bahadur R. K. Venugopal Nayudu.
22. Rao Sahib V. Dharmalingam Pillai.

Noes—cont.

23. Pandit Ganala Ramamurti.
24. Mr. K. Kesava Ramamurti Nayudu.
25. ,, Mahboob Ali Baig.
26. Sriman M. G. Patnaik Mahasayo.
27. Rao Sahib P. Subrahmanya Chetti.
28. Mr. M. A. Muthiah Chettiyar.
29. Raja of Bobbili.
30. Raja of Kallikote.
31. Kumara Raja of Venkatagiri.
32. Mr. D. V. Narasimbaswami.
33. ,, Yakub Hasan.
34. B. Pocker Sahib Bahadur.
35. Mr. V. P. Narayanan Nambiyar.
36. ,, Abdul Hameed Khan.
37. ,, W. O. Wright.
38. ,, W. K. M. Langley.
39. ,, C. Satyanarayana Choudari.
40. Rao Bahadur C. Natesa Mudaliyar.
41. Mr. G. Sriramulu.
42. ,, W. P. A. Soundara Pandian.

Ayes 6. *Noes* 42.

The amendment was lost.

Clause 30 (1), *sub-clause* (*ii*).

* Mr. P. Appu Nayar :—" Sir, I beg to move that—

' *after the words " such marriage " the words " or marriages " be inserted and for the words " such relations " the words " such relation or relations " be substituted* '."

Mr. K. P. Raman Menon :—" I second it."

The amendment was put and carried.

Clause 30, as amended, was put and carried and was allowed to stand part of the Bill.

Causes 31, 32 and 33 were put and carried and were allowed to stand part of the Bill.

Clause 34.

* Mr. P. Appu Nayar :—" Sir, I beg to move the following amendment :—

' *After the words " or mortgage "* insert *the words " without possession* ".'

" My reason for moving this amendment is that cases of mortgage with possession are covered by clause 33. Clause 34, as it stands, would cover both mortgage with possession and mortgage without possession. In order to remove that ambiguity and misapprehension, I move this amendment."

Mr. K. P. Raman Menon :—" I second it."

The amendment was put and carried.

Clause 34, as amended, was put and carried and was allowed to stand part of the Bill.

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Clause 35.

* Mr. K. P. RAMAN MENON :—" Sir, I beg to move the following amendment :—

'*In clause* 35, omit *the words* " *whether living in the tarwad house or not* " *and* add *a proviso as follows* :—

" *Provided that residence outside the tarwad house shall not disentitle a member of a tarwad from his or her maintenance if such residence is for a proper purpose* ".'

" This is a matter which affects tarwads which are impartible and partible. According to the view of the majority of members, there are tarwads which are partible also. Section 35 reads thus :—

'*Every member of a tarwad, whether living in the tarwad house or not, shall be entitled to maintenance consistent with the income and the circumstances of the tarwad.*'

" That is a proposition which nobody can have any objection to, that every member should be entitled to maintenance. I say in my amendment ' omit the words " whether living in the tarwad house or not " ' and *add* a proviso; so that, the section will read thus :—

'*Every member of a tarwad shall be entitled to maintenance consistent with the income and circumstances of the tarwad.*'

" That provides a general right. Then I come to the proviso—

'*Provided that residence outside the tarwad house shall not disentitle a member of a tarwad from his or her maintenance if such residence is for a proper purpose.*'

" That is the law now administered by the Madras High Court. I do not want to tire the House by explaining how this law developed. But it may interest hon. Members who do not belong to Malabar to know the decision in 36 Madras. It was ruled that residence in the tarwad house was essential. It was supposed that corporation in tarwad matters was essential. It was supposed that their joint efforts would be beneficial to the tarwad; that is supposed to be the basis of the claim. In 36 Madras, Their Lordships held that it being once admitted that members of joint family, i.e., anandravans or junior members, are co-proprietors of the family properties, they were entitled to maintenance whether they were living inside the tarwad house or outside it. There was a case in which a woman was residing with her husband outside the tarwad and she wanted to claim maintenance from the tarwad. The lower Courts denied it. But Their Lordships held certainly in the case of a woman who is residing outside the tarwad, because she has got her husband, it is not to be a handicap in the way of her getting maintenance. It was a right decision they came to. In the same volume is reported another case in which a woman went out of the tarwad house and lived with her husband on the plea that it was inconvenient for her to live in the tarwad house. Their Lordships rightly refused maintenance to that woman. The woman said that it was inconvenient for

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her to live in the tarwad house and she claimed maintenance from th joint family property. It will reduce itself to this position; what ma be convenient to one individual member of a tarwad may be inconv nient to the general economic position of the tarwad. Last yea Justice Jackson laid down the principle that if anandravans or juni members were living outside the tarwad house for purposes which ca not be said to be improper, then they are entitled to maintenance.

" I shall just mention instances in which maintenance was refuse Suppose a man has been guilty of a heinous crime and he has been co victed and transported to Andamans. He is entitled to return after number of years, say 14 years. If he comes back, he will be entitl to put forward a claim for his share of the income of the joint proper for a period of twelve years. He is fed in the Andamans at the expen of the Government. He comes back and puts in a claim for twel years' arrears of his share and finds that he would get a considerab sum of money; he can thus make a profit out of the crime that he co mitted. He can naturally say: ' I have been maintained right up to n by the Government. But when I have a share in the property of t tarwad, I must also get a share of the profits which comes, say, Rs. 1,000.' If the section as is now drafted by the framers of the Bil is passed, he cannot be denied his share; whether he is living inside t tarwad or not, he is entitled to it. He is a co-proprietor and you ha to give him maintenance.

" Similarly, suppose a woman belonging to a good and respectab family chooses to be a prostitute to the eternal disgrace of the oth members of the family, to the disgrace of her neighbours; she is al entitled to claim maintenance under the clause as it now stands. Wh I say, therefore, is that you must make it impossible for such perso of bad conduct and other persons who live outside the tarwad f improper purposes, to get maintenance. It depends upon the positi of the tarwad, it depends upon the nature of the claim put forward, to what is proper and improper purpose. What is improper in ordinary tarwad may be proper so far as aristocratic tarwad is co cerned. What is improper in an aristocratic tarwad may be proper an ordinary tarwad. That is a matter on which no definition can given. You must make it possible for the Courts to enquire into t question whether living outside the tarwad house is for a proper pu pose or not. You must make it possible for Courts to regulate mai tenance that is awardable to the junior members. It is with this vi that I propose this amendment and I hope that this would meet with t acceptance of the House."

Mr. Yakub Hasan :—" I second it."

* Mr. R. M. Palat :—" Sir, I oppose the amendment on the follo ing grounds. The hon. Mover of the amendment asked whether if man is convicted of a heinous crime and goes to Andamans, he shou get his share of the income from the property on his return. I wou say this in reply: all the time this man has been in the Andamans, t

family had been enjoying his share of the income also. If the other members of the family leave his share alone, then he would have no further claim.

"*Then as regards the case of the woman who becomes a prostitute*, I say this: under Hindu Law even a widow who lives in adultery does not forfeit her right to enjoy her husband's property although she acquired that property through her husband. Here is a right by birth which a Marumakkattayee woman has in the tarwad property and I submit that she should be the sole judge of what is proper or improper for her. It should not be left to the courts or to any outside authority to decide what is a proper purpose and what is not a proper purpose. The words '*proper purpose*' are as vague as the words 'social usage,' to which some hon. Members rightly objected and which the House rightly rejected."

* Mr. V. P. Narayanan Nambiyar:—"Sir, I rise to oppose the amendment that has been moved by my hon. Friend, Mr. Raman Menon. One of the effective rights of a junior member of a Malabar tarwad is to be maintained out of the family income. Yet, the karnavans have been neglecting to maintain the junior members, and that is why this Bill has been brought forward. We should not give opportunities to the karnavans to say 'I am within my powers to withhold maintenance to the junior members of the tarwad.' That would be a very dangerous weapon in the hands of the karnavans, who have not used their powers rightly."

* Mr. P. Appu Nayar:—"Sir, my hon. Friend has correctly stated the history of the decisions awarding maintenance to junior members of marumakkattayam tarwads. The history is quite correct. But at the same time, the High Court of Madras has held that the basis of the claim for maintenance is that the members are co-proprietors of the tarwad properties. If that principle is admitted and the right of every member to claim his share of the properties is recognized, then the purpose for which a member lives outside the tarwad house will not make any difference as regards his claim for a portion of the income of the properties. A member of the family may be living outside the tarwad house as a prisoner in jail or a convict in Andamans or as a prostitute; it does not affect his or her proprietary rights; nor would it affect his or her right to claim partition of the property. If a member of a tarwad can claim to get his share in the corpus of the property, why should he not get a portion of the income of the property until division of the corpus. The reason for the grant of maintenance is that the members of the tarwad are by birth entitled to participate in the income of the tarwad as co-proprietors. What the clause does is to recognize the logical extension of that principle, viz., if the members are proprietors of the tarwad properties, they are entitled wherever they may reside to a reasonable share of the income of the tarwad. A female member by becoming a prostitute does not forfeit her share of the family properties. How then can a karnavan say that he will not give such

2nd November 1932] [Mr. P. Appu Nayar]

person a share of the income of the properties, because she is living outside the tarwad house for an improper purpose? Even if a member lives outside the tarwad house for an improper purpose there cannot be any question as to his right to claim a portion of the income of the properties pending partition. I therefore oppose the amendment."

B. POCKER SAHIB Bahadur:—" Mr. President, Sir, I only want to say a word in opposing this amendment. My hon. Friend has correctly traced the development of the law on the subject, and what I want to refer to is that a distinction should be made between the law as has been recognized by the courts and also the consciousness of the people as regards legal liabilities. He has conceded that the law of maintenance has advanced from a state of affairs under which no man who was living outside the tarwad house was entitled to any maintenance, and under which not even the proprietary right of members of the tarwad was recognized. But by the development of the law, so far, the proprietary right of the members has been recognized . . ."

* The hon. the PRESIDENT:—" If the hon. Member is likely to make a long speech, he may continue to-morrow."

B. POCKER SAHIB Bahadur:—" I shall take only two minutes, Sir It is only very lately that the High Court recognized the development of the law, but that has been very slow; and even now it is not recognized in full. A distinction has to be made between the law as understood by the people or as desired by the people that it should be administered and the law to the extent to which it has been recognized by the High Court. It is because the High Court has been very slow in recognizing the principles followed by the people that the provision has been inserted here, viz., 'whether living in the tarwad house or not.' So far as the purpose of living outside the tarwad house is concerned, as regards the instance referred to by my hon. Friend, i.e., that a member of the tarwad may have been convicted and may be living in the Andamans or in the jail, I may point out in the first place that we cannot always presume that the convicted persons have been really guilty of the offence for which they were convicted. On the other hand, there are ever so many persons who are guilty of very heinous offences but who have not been convicted of such offences. In such cases of persons who have been convicted by some accident, or have been convicted and sent to the Andamans or the jails, they should not be deprived of the proprietary right in the tarwad property. In fact, my friend said that a man coming out of the Andamans may claim maintenance for twelve years What about persons who have been living outside the tarwad house and earning their own livelihood and maintaining themselves as Government servants?"

The hon. the PRESIDENT:—" Order, order. The hon. Member may continue his speech to-morrow.

" The House will now adjourn and meet again to-morrow at 11 a.m."

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council

[2nd November 1932

APPENDIX I.

[Vide answer to question No. 261 asked by Sriman M. G. Patnaik Mahasayo at the meeting of the Legislative Council held on the 2nd November 1932, page 282 supra.]

(1)

Report of the District Superintendent of Police, Ganjam, dated 13th December 1922.

The tribe is called Dandasi. The word Dandasi literally means "Dando, punishment; Asi, deserving." Dandasi is therefore a person worthy of punishment on account of his misconduct. They are usually employed as village watchmen. Dandasis therefore are a curious mixture of thief and village watchman combined in their calling. They appear to have been employed as village watchman from time immemorial on the principle of setting a thief to catch a thief.

2. *Ethnology, language, etc.*—Thieving is the traditional occupation of the Dandasi. Dandasis perform an interesting ceremony of initiation into the profession of thieving when a male child is born. The third day after birth the Behara (the religious headman) of the tribe is invited. A hole is bored in the wall or beneath the door through which the infant is passed by the Behara three times and received by the elder members of the family. The Behara pronounces the benedictio "enter baby, enter, may you excel your father." This shows that th chief hereditary occupation of the Dandasi is thieving; Dandasis ar a class of people who resemble Oriya cultivators of the district. They wear clothes like Oriyas and their manners and customs are similar They are strong and robust and they wear tattoo marks. They are foun in all the localities of the Ganjam district where Oriyas are the chie inhabitants. They are also known in the Gunupur taluk of the Agenc division. They live in large numbers in Aska, Berhampur and Chatra pur taluks and in the zamindari tracts of Attagada, Kallikota an Dharakota, Surangi, Sannakimedi, Bodakimedi, Serugada, Chikati Jalantra, Mandasa, Tharla and Parlakimedi. In Mandasa, Tharla an Parlakimedi they are not so numerous as in the other parts of th district. Towards the south they diminish in numbers. The Dandasi of Aska, Attagada taluk, have no relationship with those of the south partly owing to the distance and partly owing to the differences i manners and customs. The mother tongue of the Dandasi is Oriy Those who spend much of their time in jails, speak broken Telugu owin to their association with Telugu-speaking persons there. Those wl visit Rangoon speak also Hindi. The Dandasis belong to the Pancham or untouchable caste of the Oriya community. They consider themselv superior to all other Panchama castes such as Malas, Haddis and Jo galis. The Dandasis are dreaded by villagers so much so that they ha been employed by villagers as village watchmen on the principle abo quoted. A few of them are also employed as Government village tala yaris. Whether in private or official capacity as watchmen, th patrol villages, roads, pursue thieves and detect offences relating

property. In villages they are given a small annuity or a piece of inam land or doles for rendering these services.

Dandasis are the chief perpetrators of crime. The relations of the Dandasis in the employ of private individuals give them information regarding property. Dandasis worship the deities known as Kalimukti, Sankalo Tharini and Garudavaty, who are believed to have been assisting them in their adventures. They indulge in drinking to a large extent both at religious ceremonies and for luxury. Dandasis generally live in huts in villages at a distance from the other dwelling houses. This is due to the fact that they belong to the Panchama caste and also to the fact that they wish to be aloof from the rest of the villagers so that their movements may remain unknown.

3. *Whether nomadic or settled; and if latter, in what villages.*—These Dandasis are not nomadic nor have they any particular place of settlement as in the case of the other gangs. They reside in almost all the villages of the following taluks just like the rural population and it is recommended that sections 3 and 10 of Part I of the Criminal Tribes Act may be put into operation against them.

The Ghumsur taluk and Aska taluk.	Corresponding to Russellkonda circle.
Berhampur taluk and Chatrapur taluk	Berhampur circle.
Ichchapur taluk	Ichchapur circle.
Parlakimedi taluk	Parlakimedi circle.

For purposes of crime they do not form themselves into gangs like other classes (criminals) of the Madras Presidency. They commit crime in batches which do not generally exceed five in number. Though they do not form themselves into gangs for the purpose, they are not entirely ignorant of the method of forming a gang under the leadership of a particular headman. Enquiries show that they form themselves into a body ostensibly for religious purposes and conduct and supervise arrangements for the commission of crime. It is said that each taluk is divided into several muttas. In each mutta there is a leader known as Behara. He is assisted by a Dola Behara, the next official under him. The Behara summons all Dandasis once or twice a year or as often as necessary to settle disputes and decides cases of misconduct of the Dandasis in his mutta. He inflicts fines on the offenders which is utilized in drinking. He (the leader) is also invited to attend marriages and funeral ceremonies. He is greatly respected by the Dandasis of his mutta. He receives a certain portion of stolen property in virtue of his office. To all intents and purposes, it appears to be an association set up for religious matters such as caste disputes and marriage concerns. Probably it has an ulterior motive and arrangements such as programmes for the commission of offences and disposal of stolen property are made. It is doubtful whether it is solely a religious body. The system of commission of offences by the formation of an organized gang is unknown to them as they are not very civilized and they always

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'esort to house-breakings and thefts or simple thefts either singly or n association of 5 or 6 members.

The manner in which the tribe profess to earn their livelihood.—Dandasis profess to earn their livelihood by coolie (manual labour) and by remuneration in the shape of paddy, annuities and fee received from private persons to guard their houses. Some of them are Government alaiyaris. Most of the male population are men of criminal propensities. A small minority of them live by honest labour, coolie work, village watching, cultivation and trade to a small extent are the ostensible means of livelihood. They live like the rich, spending much noney in drink. Village watching by a Dandasi is a sham. People without a Dandasi in their employ in their village are so much troubled hat they are compelled to utilize the services of one of the Dandasis who with his associates has been a source of constant trouble to them. The Dandasi so employed makes arrangements with his caste men not o molest the villagers as long as they pay him regularly in the shape f grain or doles. Sometimes it so happens that the Dandasi leaves the village on some pretext or other and a series of house-breakings and hefts occur in the village as the Dandasi who has some knowledge of he locality gives information regarding the property and inmates of he house he is guarding. Some Dandasis have cultivation as their ccupation to a small extent. This is applicable to Dandasis who possess nam lands and those who have grown rich on account of booty obtained n criminal operations. In almost all cases the produce is not sufficient o maintain their families and to provide money for drink.

Character of crime committed. Area in which committed and the riminal methods. Whether women and children accompany them in heir expeditions or remain at home.—Dandasis commit thefts, housereakings to a large extent, robberies and dacoities to a small extent, ut do not hesitate to commit murder if necessary during the course of heir criminal operations in order to effect their escape. Though they re professional criminals they are rude and uncivilized people confined o a particular locality. They are not skilful and their operations are f routine nature. A careful examination of the scene of offence discloses that the crime is committed by a Dandasi though great sagacity s required to fix the offence on a particular individual Dandasi. Housereakings are committed by Dandasis in about a dozen different ways f which the following are the most important:—

(1) Hole under a door-frame.

(2) Hole under a window.

(3) Small hole near the bolt of the door through which the hand inserted and the bolt withdrawn.

(4) Breaking the hook of the door.

(5) Using false key.

(6) Bore to the wall of a vacant house.

The following is chiefly the procedure followed by the Dandasis in ommitting house-breakings. Before starting on a predatory expedion, they secure information in order that they may be fully acquainted

ith the villages and different routes on their way. If the village is tuated near theirs they repair to the village as honest men and do not il to secure a full view of the place and ascertain in which room or oms the inmates sleep. After nightfall they go armed with house-:eaking implements, a stick and a match-box. They can conceal emselves in the backyard of the house in which they intend to com-it burglary so that they may ascertain the number of the inmates of e house and whether they are asleep or not. When all are asleep ey get entrance into the house, they first examine the boxes contain-g valuable property and search every nook and corner. They also row some sand or grains on the sleeping inmates to ascertain whether ey are fast asleep. They then decamp with valuable property, utensils brass, etc., which they hide in a tank or a river-bed instead of taking me for fear of detection. If there are dogs in the house they are ugged with datura poison which is mixed with some sweetmeats epared for the purpose which is administered before the offence is tempted. The preparation of the house-breaking instrument is a lemn ceremony among the Dandasi sect. This instrument they call ɔjja. This is a rod sharpened at one of its ends. It is made up of metals. It is prepared on a fullmoon or a newmoon day. The andasi goes to the blacksmith on the appointed day with the five metals forming him of his intention beforehand. The blacksmith prepares e rod with the assistance of his wife who works on his bellows without e knowledge of any one else. When the work is over, the Dandasi ves 5 or 6 rupees to the blacksmith and a wearing cloth to his wife. ıe instrument is then taken home and kept in a corner where offerings e made to Kalimuti and Santhotarini and fowls are sacrificed. On auspicious day the Dandasi goes on a dark night to commit theft; he comes out successful he sacrifices fowls to the rod. After some ne he removes it from the house and hides it at some secret place order to avoid detection.

Dandasis observe some kind of superstition during their expedi-ms. Just at the time of leaving home, if any sneezes they do not ıve their home for fear of some mishap. If they see a snake in their ıy or if any of their associates are hurt stumbling against a stone, ey return home fearing some danger, They do not perpetrate crime an Oriya Brahman's house on Thursday and Telugu Brahman's house Saturday because they believe that the Goddess visits the house on ose days. Before the introduction of the railway and the institution police stations on the high road the Dandasis formed themselves into gular bands of dacoits and plundered travellers. Owing to road trols and men using railways they found that crime on roads is not ry profitable and resorted to house-breakings and thefts. From the ıtements attached it can be seen that most of the convictions are for use-breakings and thefts.

Dandasis commit offences in the villages in the neighbourhood and nerally in the limits of the police station in which their villages are ıt situated. They go to the adjoining villages on the pretext of seeing

their relatives, obtain information and return to their villages after committing crime.

Women and children do not accompany them on their expeditions. Women help in disposing of stolen property. The Dandasis steal gold ornaments, brass utensils, etc., in the adjoining villages and hand them to the goldsmith or the brass-smith who are their receivers and who at once alter their shape rendering identification impossible.

Dandasis confine their operations to certain localities and hardly ever go beyond the district unless the villages or taluks of the two districts are adjacent. If the Dandasis have relatives in the neighbouring taluks they join together and commit crime in the adjacent taluks.

Their criminality and homogeneity.—The Dandasis have been selected for notification under section 3 of the Criminal Tribes Act (Act III of 1911) as a criminal tribe, because they are the most numerous and by far the most criminal of all the criminal classes of this district and in order to prove their criminality and homogeneity statistics have been collected in respect of the Dandasis of 339 villages of Berhampur taluk circle.

In the 339 villages of Berhampur police circle which are selected for the collection of the statistics, there are 346 convicted members and 959 non-convicted members of Dandasis.

Of the 346 convicted members 212 are present, 23 are in jail, and 111 are out of view.

The 212 present convicted members have 871 dependents, comprising 279 women and 592 children. The members whose whereabouts are not known are believed to have emigrated to Rangoon and Assam. The convicted members also include 7 women.

While 6 of the convicted male members are convicted for offences as follows:—

304, I.P.C. ...	1	429	2
409, 467, 471 ...	1	451	2

Excluding the 7 convicted women and the 6 other members convicted as above 333 have had 543 convictions for cognizable and non-bailable offences under the Indian Penal Code, and under the security sections of the Criminal Procedure Code. These 543 convictions are classified as follows:—

Dacoity	11
Robbery	3
House-breaking and thefts	280
Theft	185
Receiving stolen property	5
Security	59
Total ...	543

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The 333 members referred to above are classified according to their most serious offences as follows:—

Dacoits	8
Robbers	3
Burglars	204
Thieves	99
Receiver	1
Security sections	18
Total ...	333

Again of these 333 members, 2 members were convicted eight times. *One member seven times, 3 members six times, 7 members five times,* 11 members four times, 23 members three times and 67 members two times. These prove the criminality and the homogeneity of the Dandasis and will justify their notification as a criminal tribe and the registration of the members of the tribe.

Criminality justifying restriction.—There is perhaps no tribe in this Presidency, more genuinely a criminal tribe and against whom the application of the full scope of the Criminal Tribes Act is more justifiable. There is every justification for such action against the Dandasis. By tradition and by choice they are nothing but criminals and drunkards. They profess to earn their livelihood as cultivators, by doing coolie work, by grazing cattle and by village watching. Neither of these occupations can be classed as an honest one and where Dandasis are employed as night watchers and cattle grazers, it is only because, the people dread that the loss of their cattle or the property would be immediate and inevitable result of their refusal so to employ the Dandasis.

The professed occupations of the 221 present convicted members are as follows:—

Coolie work	130
Cultivation	49
Trade	1
Cultivation and coolie	10
No occupation	16
Village watchers	15

The grazing of cattle and village watching are included in coolie work. It will be seen that more than half the members profess to earn a living by doing coolie work, but the Dandasi will never do any regular work and when he says that he is living by coolie work, it really means that although he may do an occasional odd job or adopt the blackmailing occupation of village watcher or the cattle-grazer, he is living mainly by the commission of crime. The Dandasi is generally a poverty-stricken individual with a large family to support and being lazy and too much of a drunkard to do any regular work he resorts to every and any form of crime which is likely to bring him an

ncome. Dandasis are also expert pilferers and petty extortioners. They)ilfer from grain carts travelling on the road at night, from the baskets)f the vendors of shandies at the weekly markets and from granaries, ınd they extort fowls, tobacco and grain in villages by threatening to ıave the house of their victim burgled or burnt and his cattle poisoned)r stolen. For many reasons such cases of extortion are seldom report-ed to the police. The Dandasi women seldom take part in the commis-ion of the offence, though there are instances of Dandasi women lisposing of stolen property. They act as spies and scouts, however, or their male members and are experts in concealing stolen property ınd in carrying food to such of their male relatives as may be hiding rom the police in the jungle. Children are trained in the petty thieving f grain and fowls from early childhood and they are brought up to be riminals. The Dandasis are becoming an increasing menace in the istrict. This year the police have had to tackle gangs of Dandasis rganized for the purpose of committing burglaries. As has been lready explained statistics were collected in B. Berhampur circle only ut had it been possible to collect the necessary statistics in the police ircles of Ichchapur, Aska and Russellkonda, it would be shown that the)andasis are responsible for 90 per cent of the crime committed in these ircles. This work would have required a special duty officer; however, t is hoped that statistics collected in Berhampur circle would prove ufficient.

(2)

G.O. No. 116, Judicial (Police), dated 13th March 1923.

READ—the following paper:—

Letter from F. ARMITAGE, Esq., Inspector-General of Police, to the Chief Secretary to Government, Judicial Department, dated the 1st March 1923, R.C. No. 3/Statl.

I have the honour to forward a case prepared by the Superintendent f Police, Ganjam, for the application of the provisions of sections 3 nd 10 of the Criminal Tribes Act to the tribe of Dandasis which resides n the area of Berhampur circle in Ganjam district.

The criminality of the tribe is well established by the statements of onvictions enclosed.*

I recommend that the Act may be applied to all the Dandasis in the istrict. Statistics have been collected for Berhampur circle only as fording a justification for applying the Act to the tribe. There is qual justification for applying it to members in other circles. Unless he Act is applied to all, the effect will be unsatisfactory and may lead o an emigration of the most criminal Dandasis from Berhampur circle o other parts of the district.

Copy of remarks of the District Magistrate and the Deputy Inspector-General of Police and the necessary draft notification are enclosed.

* Not printed.

Enclosures.

(1)

Copy of the remarks of the District Magistrate, Ganjam.

Forwarded. I strongly recommend the registration of these Dandasi criminals—all in this district—or if this is not feasible, those of the Berhampur circle at least. They are a constant source of trouble and undoubtedly responsible for most of the crime in this district. Since I have been District Magistrate this is, to my knowledge, the second or third attempt by the District Superintendent of Police to put up a case against them, and to bring them under the Criminal Tribes Act, but for one reason or another, some flaw has been detected in the reasoning, the main one to the best of my recollection being the difficulty in proving association as a *tribe*. But I think sufficient evidence has been adduced now to warrant their being dealt with under the Act.

C. D. A. Crofton,
District Magistrate, Ganjam.

21st December 1922.

(2)

Copy of the remarks of the Deputy Inspector-General of Police, Northern Range.

Forwarded. There is absolutely no doubt of the criminality of the Dandasi. They are practically ubiquitous in the present Ganjam district and if they are to be proclaimed as a criminal tribe it must be throughout the Ganjam district and not merely for a part, if any real check over this class of person is to be really effective. I doubt if this community has any wish to better itself. The members live in a separate part of the village called the Dandasi street, and are undoubtedly patronized by the other villagers who naturally prefer that they should remain as they are.

I would suggest therefore that the Dandasis all over Ganjam be declared a criminal tribe and I would leave it to the District Superintendent of Police to put up for the approval of the District Magistrate the names of such individuals as he considers should be registered under the Act.

If otherwise the area is limited to a taluk then a criminal Dandasi I believe, can laugh at the Act by migrating to another part of the district.

F. S. S. George,
Deputy Inspector-General of Police
Northern Range

27th December 1922.

Order—No. 116, *Judicial* (*Police*), *dated* 13*th March* 1923.

The proposal of the Inspector-General of Police to apply the provisions of the Criminal Tribes Act to the tribe of Dandasis residing in the Ganjam district is approved and the requisite notification has been published in the *Fort St. George Gazette*—vide notification No. 68, dated 12th March 1923.

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2.. Under section 4 of the Criminal Tribes Act, 1911, the Govern ment direct the District Magistrate, Ganjam, to make or cause to b made a register of the members of the above criminal tribe within th limits of his jurisdiction.

(By order of the Governor in Council)

R. A. GRAHAM,
Chief Secretary.

To the Inspector-General of Police.
,, the District Magistrate, Ganjam.
,, all other District Magistrates.
,, the Commissioner of Labour.

Copy to the Law (General) Department.
,, Law (Legislative) Department.

APPENDIX.

Notification.

Whereas there is reason to believe that the class of persons commonl known as Dandasis who reside in the Ganjam district, is addicted t the systematic commission of non-bailable offences, the Governor i Council, in exercise of the powers conferred on him by section 3 of th Criminal Tribes Act, 1911 (III of 1911), hereby declares that the sai Dandasis are a criminal tribe for the purposes of the said Act.

Under section 10 of the said Act, the Governor in Council is please further to direct that every registered member of the said criminal trib shall in the prescribed manner report himself at fixed intervals an shall also notify his place of residence and any change or intende change of residence and any absence or intended absence from hi residence.

APPENDIX II.

[Vide answer to question No. 279 asked by Mr. A. Ranganath Mudaliyar at the meeting of the Legislative Council held on th 2nd November 1932, page 299 supra.]

(1)

G.O. No. 2069 M., dated 12th December 1919.

In future any temporary diversions by municipal councils of balance of Provincial grants which may be permitted by Government will b treated as temporary loans and interest charged at such rates as ma be fixed by Government in each case; the interest is to be utilized fo the purposes for which the original grants were sanctioned or for othe objects of the same class subject to the conditions laid down in G.O No. 1274 M., dated the 13th July 1913, and No. 990 L., dated the 7t July 1917.

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2. The Government desire again to impress on municipal councils that Provincial grants are not to be diverted even temporarily without the special sanction of the Government previously obtained, and that such sanction will be given only in very exceptional circumstances.

(True extract)

F. B. EVANS,
Acting Secretary to Government.

To all Chairmen of Municipal Councils.
,, all Collectors.
,, the Accountant-General.
,, the Finance Department.

Copy to M.R.Ry. N. Gopalaswami Ayyangar, Special Officer.

(2)

G.O. No. 778, L. & M., dated 5th May 1921.

Cases have come to the notice of the Government in which municipal councils have sold away capital assets and devoted the sale-proceeds to ordinary expenditure. The Government consider it necessary that this practice should be put a stop to. They accordingly direct under rule 37 of Schedule IV of the Madras District Municipalities Act, 1920, that no municipal council shall in future apply capital receipts, such as sale-proceeds of land, buildings and machinery, to ordinary expenditure except with their previous sanction.

Cases of doubt as to whether a particular item appertains to capital or ordinary receipts or expenditure should be referred to the Government for final decision.

(By order of the Government, Ministry of Local Self-Government)

F. J. RICHARDS,
Secretary to Government.

To the Chairmen of all Municipal Councils.
,, all Collectors.
,, the Accountant-General.

Copy to the Finance Department.
,, Inspector of Municipal Councils and Local Boards.

(3)

G.O. No. 302, L. & M., dated 14th February 1922.

Under rule 37 of Part II of Schedule IV of the Madras District Municipalities Act, 1920, the Government issue the following special order :—

Special Order.

Funds held by municipal councils as provident funds and deposits shall not be used for any purpose other than that for which they are so held and shall not be diverted even temporarily for any other purpose without the special sanction of the Government. But deposits remaining

unclaimed for three years after their refunds fall due shall be credited to the municipal revenues and on being so credited may be used for general municipal purposes.

2. The proceeds of the water and drainage-tax levied under section 81 (1) (*a*) of the Madras District Municipalities Act, 1920, shall be solely devoted to defraying the expenses connected with the construction, maintenance, repair, extension or improvement of water or drainage works heretofore provided or hereafter to be provided and shall not be diverted for other purposes either temporarily or permanently except with the previous sanction of the Government.

(By order of the Government, Ministry of Local Self-Government)

F. J. RICHARDS,
Secretary to Government.

To all Chairmen of Municipal Councils.
,, all Collectors.
,, the Examiner of Local Fund Accounts.
,, the Accountant-General.
,, the Finance Department.
,, the Law (Legislative) Department.
,, the Public Works Department.
,, the Registrar-General of Village Panchayats.

(4)

G.O. No. 3372, L. & M., dated 27th November 1924.

Under the existing law, orders and rules specified below, local boards and municipal councils should not divert the following earmarked funds even temporarily for other purposes without the previous sanction of the Government:—

Name of earmarked fund.	Order or rule prohibiting diversion.
(1) Water and drainage tax fund—municipal councils.	G.O. No. 302, L. & M., dated 14th February 1922.
(2) Deposits (including provident funds)—municipal councils.	Do. do.
(3) Lighting tax fund—municipal councils..	G.O. No. 2730, L. & M., dated 7th December 1923.
(4) Loan funds—local boards and municipal councils.	G.O. No. 2344, L. & M., dated 30th November 1921.
(5) Special Provincial grants—municipal councils.	G.O. No. 2069 M., dated 12th December 1919.
(6) Elementary education fund—local boards and municipal councils.	G.O. No. 978, Law (Education), dated 18th June 1924.
(7) Capital receipts from sale of capital assets—local boards.	G.O. No. 1400, L. & M., dated 21st July 1921.
Capital receipts from sale of capital assets—municipal councils.	G.O. No. 778, L. & M., dated 5th May 1921.
(8) Endowments—local boards	Instruction (8) of Local Boards Manual.
Do. municipal councils ..	Articles 15 and 385 of the Municipal Account Code.
(9) Railway cess fund—local boards ..	Section 236 of the Local Boards Act.
Do. municipal councils..	Section 81 (1) (c) of the Madras District Municipalities Act.

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The simplified form of accounts prescribed in G.O. No. 248, L. & M., dated 29th January 1924, provides a separate account for each of the above funds. The receipts, charges and balance of each fund are kept distinct. In G.O. No. 978, Law (Education), dated 16th June 1924, the Government have ordered that a separate banking account for the elementary education fund should be maintained. The question of having separate banking accounts for all funds has been considered by the Government. In view of the additional work involved thereby not only in the offices of local bodies but also in the treasury the Government do not propose to make any change.

2. The Local and Municipal Group Conference held at Vizagapatam on 28th to 30th October 1922, recommended that municipal councils should be allowed to make temporary appropriations for general expenditure from all funds on condition that they are readjusted before the close of the official year. The Local and Municipal Group Conference held at Vellore on 6th and 7th November 1922 made the same recommendation. This conference recommended that in the alternative the provincial grants towards the maintenance of trunk roads and elementary schools may be paid in advance instalments.

3. The Government have recently taken the following measures in order that local bodies may have sufficient funds for expenditure throughout the year:—

(1) From 1st April 1924 district boards and municipal councils are allowed to recoup monthly the expenditure incurred on trunk roads to the extent of 75 per cent of the maximum provincial grant admissible for the purpose, the balance being disbursed in the beginning of the following year on receipt of the Superintending Engineer's report.

(2) District boards are allowed to recoup monthly the expenditure on the maintenance of second-class roads to the extent of 80 per cent of the maximum grant and the balance of the grant is disbursed at the end of the year.

(3) Each local board is credited on the 15th of each month with one-twelfth of the estimated annual receipts from the taxes and other revenues collected by the Government on behalf of the board, the necessary adjustment being made after the close of each financial year.

(4) In the case of the provincial subsidies for education except the subsidy equivalent to the education tax, one-twelfth of the subsidies due to each local board and municipal council in a year as estimated by the Director of Public Instruction is paid monthly during the first nine months of the year, the balance due being adjusted in three equal instalments on the 15th of each of the last three months of the year.

(5) Grants to local boards and municipal councils on account of the following purposes are credited monthly in the year in which the expenditure is incurred:—

(i) Percentage contributions towards the pay of medical officers employed by them, and

(ii) half the cost of medical institutions opened after 9th March 1915.

(6) In the case of non-recurring grants for capital works, it has been ordered that as soon as a local board or municipal council makes a payment for a work for which a grant has been sanctioned, the portion of the amount paid which is debitable to Government should be credited to the local body by the Treasury Deputy Collector on production of the prescribed vouchers subject to necessary adjustment by the Examiner of Local Fund Accounts after audit.

4. On account of the measures referred to in paragraph 3 above, local bodies will have sufficient funds for general expenditure throughout the year and there should be no occasion for them to encroach on earmarked funds. The Government are therefore not prepared to accept the recommendation of the local and municipal conferences that local bodies may be given general permission to divert earmarked funds temporarily. If by some extraordinary circumstances, there arises any necessity for a local body to temporarily divert earmarked funds, it should obtain the sanction of Government before doing so.

5. The Examiner of Local Fund Accounts will bring to the notice of Government cases of unauthorized diversion of earmarked funds by local bodies.

(By order of the Government, Ministry of Local Self-Government)

P. L. Moore,
Acting Secretary to Government.

To the Examiner of Local Fund Accounts.
,, Finance Department.
,, Law (Educational) Department.
,, Revenue Department.
,, Inspector of Municipal Councils and Local Boards.
,, Superintendent, Government Press (for publication in Part I-A of the Gazette).

APPENDIX III.

[Vide answer to question No. 293 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 2nd November 1932, page 314 supra.]

APPENDIX A.

Statement.

Name of organization.	Amount paid in 1929–30.	Amount paid in 1930–31.	Amount paid in 1931–32.	Amount proposed to be sanctioned in 1932–33.
(1)	(2)	(3)	(4)	(5)
	RS.	RS.	RS. A. P.	RS.
1. Rural Reconstruction Centre, Lepakshi, Anantapur district.	100	200	..	15
2. Kanchi Prohibition League, Conjeeveram.	200	250	11 0 0	..
3. Prohibition Association, Chicacole ..	100	500	..	..
4. Reddy Mahajana Sangam, Ichchapuram ..	100	500	..	..
5. Alamuru Division Village Panchayats Joint Committee, East Godavari district.	200	600	..	..
6. Rev. J. M. Boyd, Godavari Delta Mission, Narasapur.	100	400	..	..
7. Setti Balija Association, Bodasakkuru, East Godavari district.	200	500	..	..
8. Cocanada Social Reform Association ..	70	250	..	..
9. Shree Jnanodaya Samaj, Mangalore ..	200	600	..	..
10. Arya Yuva Jana Samaj, Bekal	120	280	..	..
11. South Kanara Gowda Educational Society.	40	500	..	..
12. K. G. Sivaswami, Esq., Rural Reconstruction Centre of the Servants of India Society, Trichinopoly.	625	1,500	..	..
13. Sujana Samaj, Anakapalle, Vizagapatam.	50	Nil.	35 0 0	..
14. The Diocesan Temperance League, Mangalore.	200	Nil.	..	..
15. The Agnikula Kshatriya Mahasangham, Coringa, East Godavari.	200	100	..	..
16. Madras Social Service League, Madras ..	..	..	118 0 0	..
17. International Order of Good Templars, Madras.	..	..	96 5 0	*
18. Rural Reconstruction Centre, Satyamangalam, Coimbatore district.	..	..	250 0 0	250
19. Trichinopoly Village Organization Centre, Mayanur.	..	..	385 0 0	*
20. Temperance Association, Shiyali	..	..	85 0 0	..
21. International Order of Good Templars, Ootacamund.	..	..	400 0 0	..
22. Ramnad District Union, Sivaganga ..	..	..	..	21
23. Adi-Andhra Association, Ellore	..	..	..	50
24. Women's Christian Temperance Union, Madras Branch.	..	..	..	500
25. Sree Sujan Yuvajana Sangam, Anakapalle.	..	..	..	35

* Amount not yet decided.

APPENDIX B.

G.O. Ms. No. 126, P.H., dated the 19th January 1932.

READ—the following:—

Application from non-official associations, etc., for grants.

Order—Ms. No. 126, *P.H., dated* 19*th January* 1932.

In G.O. No. 1583, P.H., dated the 28th August 1931, Government stated that they would be prepared to render financial assistance to bona fide non-official associations which are carrying on genuine temperance propaganda and that for that purpose a lump sum would be provided in the current year's budget.

2. Government sanction a sum of Rs. 8,100 for the payment of grants during the current year to non-official associations or persons or body of persons who carry on temperance propaganda. The grant is placed at the disposal of the Director of Public Health. The following principles should govern the distribution of the grant:—

(1) Applications for grants should be submitted quarterly to the Director of Public Health through the District Health Officer concerned with a report showing the work done and a statement showing the actual expenditure incurred during the quarter for which the claim is made together with vouchers for the same.

(2) The District Health Officers should check the accounts and forward them to the Director of Public Health with their remarks.

(3) The Director of Public Health will decide which associations, persons, etc., should be given a grant. His decision will be final.

(4) The total amount distributed among associations, etc., during a year should not exceed the amount of grant allotted by Government for the year.

(5) The amount sanctioned to any one association, persons or body of persons should not exceed one half of the actual expenditure incurred by the association, etc., and the maximum in any one case should not exceed Rs. 500 in a year.

(6) The grant for the last quarter for each year may be paid during the first quarter of the succeeding year if payment cannot be made during the last quarter itself. The commitment on this account should not exceed the unspent balance at the end of the year to which the claim relates.

(7) No guarantee can be given that the grant sanctioned in a year will be repeated in the succeeding year or years.

(8) The grant sanctioned to an association, persons, etc., is liable to be reduced or withdrawn if the association, etc., ceases to do effective work or for any other sufficient reason.

3. The applications received during the current year are forwarded to the Director of Public Health. He is requested to take early action on them.

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4. The Director of Public Health is requested to include in his annual administration report a brief statement showing distribution of such grants as was sanctioned during the year and the nature and effect of the work carried on with the aid of the grants.

5. Orders will issue separately allotting a sum of Rs. 8,100 referred to in paragraph 2 supra.

(By Order of the Government, Ministry of Local Self-Government)

S. G. SENGODAIYAN,
Deputy Secretary to Government.

To the Director of Public Health (with enclosures in original).
" Surgeon-General.
" Accountant-General.
" Revenue Department.
" Finance (Expenditure) Department.

Copy to all Collectors.

To Finance (B.E. II) (with enclosure).
" Finance (Retrenchment) Department.

APPENDIX IV.

[Vide answer to question No. 302 asked by Sriman M. G. Patnaik Mahasayo at the meeting of the Legislative Council held on the 2nd November 1932, page 317 supra.]

G.O. Ms. No. 15, Law (Education), dated the 6th January 1932.

An extract from the Proceedings of the Legislative Council connected with Resolution No. 2 discussed at the meeting of the Council held on the 2nd November 1931 is forwarded to the Director of Public Instruction.

There is reason to believe that rule 92 of the Madras Educational Rules is not properly observed in many institutions. In some cases concessions are granted wholesale irrespective of the financial status of the parents, in others the obligation to grant the concession to the children of parents who are so poor as not to be able to pay the fees is not observed, in others again certificates of poverty are demanded in every case, though this is not required by the rules.

The Director of Public Instruction is requested to issue a circular to the managements of all aided secondary schools and colleges requesting them to observe the rule strictly in future.

(By order of the Government, Ministry of Education and Excise)

A. F. W. DIXON,
Deputy Secretary to Government.

To the Director of Public Instruction, Madras (with extract of the Proceedings of the Legislative Council).

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Thursday, the 3rd November 1932.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. Ramachandra Reddi) in the Chair.

PRESENT:

Usman Sahib Bahadur, *Kt.*, The hon. Khan Bahadur Sir Mahomed.
Krishnan Nayar, *Kt.*, The hon. Diwan Bahadur Sir M.
Campbell, K.C.I.E., C.S.I., C.B.E., V.D., I.C.S., The hon. Sir Archibald.
Stokes, C.S.I., C.I.E., I.C.S., The hon. Mr. H. G.
Muniswami Nayudu, The hon. Diwan Bahadur B.
Rajan, The hon. Mr. P. T.
Kumaraswami Reddiyar, The hon. Diwan Bahadur S.
Abdul Hameed Khan Sahib Bahadur.
Ahmed Meeran Sahib Bahadur.
Alagannan Chettiyar, Rao Sahib A. S.
Alamelumangathayaramma, Mrs. K.
Annamalai Chettiyar, Mr. S. A. A.
Appu Nayar, Mr. P.
Arasu, Mr. V. T.
Ari Gowder, Mr. H. B.
Basheer Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Bayappa Reddi, Mr. P.
Beyabani Sahib Bahadur, S. M. K.
Bhanoji Rao, Mr. A. V.
Birley, Mr. F.
Davis, Mr. J. A.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Duraiswami Reddiyar, Mr. K. M.
Ellappa Chettiyar, Diwan Bahadur S.
Foulkes, Mr. R.
Gopalaswami Mudaliyar, Diwan Bahadur M.
Harischandrudu Nayudu, Mr. A.
Hood, I.C.S., Mr. H. M.
ndriah, Mr. C.
Jagannadha Raju, Rao Bahadur G.
Jagannatham, Mr. H. M.
Jayaram Nayudu, Rao Sahib C.
Jones, I.C.S., Mr. C. E.
Kesava Ramamurti Nayudu, Mr. K.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
Kolanda Reddi, Rai Sahib C.
Koti Reddi, Mr. K.
Krishnamurti, Rao Sahib D.
Krishnan, Mr. C.
Kumara Raja of Venkatagiri, The
Kuppuswami Choudari, Mr. J.
Langley, Mr. W. K. M.
Madanagopal Nayudu, Mr. R.
Madhusoodhanan Thangal, Mr. P.
Maharaja of Venkatagiri, The
Mahboob Ali Baig Sahib Bahadur.
Manikkavelu Nayakar, Mr. M. A.
Moidoo Sahib Bahadur, Khan Bahadur T. M.
Moses, Mr. P. C.
Muhammad Meera Ravuttar Bahadur, K. P. V. S.
Muniswami Pillai, Rao Sahib V. I.
Murugappa Chettiyar, Diwan Bahadur A. M. M.
Muthiah Chettiyar, Mr. M. A.
Muthu Chettiyar, Rao Bahadur P. C.
Nadimuthu Pillai, Mr. A. Pl. N. V.
Nanjappa Bahadur, Subadar-Major S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Mr. D. V.
Narayanan Nambiyar, Mr. V. P.
Natesa Mudaliyar, Rao Bahadur C.
Palat, Mr. R. M.
Pannirselvam, Rao Bahadur A. T.
Parthasarathi Ayyangar, Mr. C. R.
Patnaik Mahasayo, Sriman M. G.
Pattabhiramayya, Mr. K.
Pattagar of Palayakottai, The
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Raja of Bobbili, The
Raja of Kallikote, The
Ramachandra Padayachi, Mr. P. K.
Ramakrishna Reddi, Mr. A.
Ramalingam Chettiyar, Rao Bahadur T. A.
Ramamurti, Pandit Ganala.
Raman Menon, Mr. K. P.
Ramaswami Ayyar, Mr. T. S.
Ramaswami Mudaliyar, Mr. V. M.
Ranganatha Mudaliyar, Mr. A.
Ranganatha Mudaliyar, Mr. G.
Ranganatha Mudaliyar, Mr. M. D. T.
Rangaswami Reddi, Mr. M. B.
Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
Sami Venkatachalam Chetti, Mr.
Satyanarayana Choudari, Mr. C.
Sesha Reddi, Mr. B. P.

PRESENT:—*cont.*

Shetty, Mr. A. B.
Singam Ayyangar, Mr. K.
Siva Raj, Rao Sahib N.
Slater, C.M.G., C.I.E., I.C.S., Mr. S. H.
Smith, C.I.E., I.C.S., Mr. E. C.
Soundara Pandian, Mr. W. P. A.
Sreshta, Mr. M. S.
Srinivasan, Rao Bahadur R.
Sriramulu, Mr. G.
Subbarayan, Dr. P.
Subrahmanya Chetti, Rao Sahib P.
Subrahmanya Bhatt, Mr. U. C.
Sundara Rao Nayudu, Mr. T.
Syed Tajuddin Sahib Bahadur, Khan Sahib.
Thomas, Mr. Daniel.
Thorne, C.I.E., I.C.S., Mr. J. A.
Vasudeva Pillai, Mr. V. G.
Vedachala Mudaliyar, Mr. M.
Venkatachala Reddiyar, Mr. K. C. M
Venkatarama Ayyar, Mr. K. R.
Venugopal Nayudu, Rao Bahadur R.
Wright, Mr. W. O.
Yahya Ali Sahib Bahadur, Kh Bahadur.
Yakub Hasan Sahib Bahadur.
Zamindar of Kirlampudi, The
Zamindar of Mirzapuram, The

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Education

Qualifications and pay of the Secretary to the Commissioner for Government Examinations.

* 311 *Q.*—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister Education and Excise be pleased to state—

(*a*) what was the pay of the present incumbent of the post Secretary to the Commissioner for Government Examinations, Madras the time of his first appointment to the post;

(*b*) whether his pay was subsequently enhanced and, if so, w and for what reasons;

(*c*) whether a copy of the order enhancing his pay will be laid the table of the House;

(*d*) what his present pay is;

(*e*) whether he draws his pension too and, if so, what the am of his pension is;

(*f*) what his pay was at the time of his retirement from service;

(*g*) what his age and educational qualifications are?

A.—(*a*) Rs. 250.

(*b*) Yes; on 1st January 1929, for the following main reas among others (1) though the post he holds is theoreti a part-time one he is doing full-time work, (2) his d are ouerous and responsible, (3) most of the work ent ed to him has to be attended to personally, being confidential nature and (4) the volume of work has steadily increasing.

(*c*) A copy [a] of G.O. No. 81, Law (Education), dated the January 1929, is placed on the table.

(*d*) Rs. 375.

(*e*) Yes; Rs. 125.

(*f*) Rs. 250.

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[a] Printed as Appendix I on page 490 infra.

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(*g*) His age is 62 years. He has passed the Matriculation Examination and the Handwriting and Précis-writing tests.

Mr. BASHEER AHMED SAYEED:—" May I ask, Sir, whether it is not a fact that once before, when the question was raised during the Budget discussions in the year 1931, the hon. the Revenue Member expressed that he was not aware that this was a post held by a superannuated man and that he would make investigation and see that the post was brought under the regular Madras Educational Service? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not know what the hon. the Revenue Member said on that occasion."

Mr. BASHEER AHMED SAYEED:—" May I know whether the Finance Department approved of the scheme to include this post as a post in the regular Madras Educational Service? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Notice."

Mr. BASHEER AHMED SAYEED:—" May I ask who recommended the enhancement of the salary of the present incumbent, and what the reasons are for the same? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Notice."

Mr. BASHEER AHMED SAYEED:—" Was there any recommendation from the Director of Public Instruction with regard to increase of salary to this post? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There should have been; but I cannot say off-hand."

Mr. BASHEER AHMED SAYEED:—" May I ask why this post is still part time whereas in practice it is full time, and also whether the Government propose to amend the statutory rules regarding this post and why they persist in the inconsistency of the post being called part time, while it is actually full time? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" We will have to pay more if the post is to be full time."

Mr. V. T. ARASU:—" Is there any proposal before the Government to dispense with the services of this gentleman and to bring in somebody else in his place? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There is no such proposal."

Mr. V. T. ARASU:—" May I know whether this gentleman is physically fit to carry on the onerous duties entrusted to him, being 62 years of age? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The Government have no reason to think that he is not fit."

Mr. BASHEER AHMED SAYEED:—" May I know whether when the enhancement of salary was made for the present incumbent, any enhancement was made also in the salaries of the Assistant Secretary who was helping him in the confidential work?"

The hon. the PRESIDENT:—" As the question stands, it is only the qualifications and pay of the Secretary about which the information is asked. I do not think hon. Members will be justified iu shooting off the mark and asking questions which are not directly connected with the issue raised here, and in going further and asking questions about the Assistant Secretary and his pay and other officers connected with the work."

Mr. BASHEER AHMED SAYEED:—" In answer to clause (b) it is said that 'he is doing full-time work.' I want to know whether he is not assisted by the Assistant Secretary and whether on that account any increase in his salary has been made or in that of the other staff. That is my question, Sir?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Notice."

Mr. ABDUL HAMEED KHAN:—" May I know why he was retired from his former post?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Because I believe he had finished his 55th year."

Mr. ABDUL HAMEED KHAN:—" Now he has begun his 62nd year." (Laughter.)

Mr. BASHEER AHMED SAYEED:—" May I ask whether the incumbents who held this post before the present gentleman were all graduates and whether there was at any time a matriculate holding this post?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Notice, Sir."

Mr. V. T. ARASU:—" Will the hon. the Minister be pleased to send this gentleman before a Medical Board and take their opinion as to whether he is physically fit to carry on the onerous duties entrusted to him?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not think there is any necessity to do so."

Importation of a professional cricketer as a coach to the students of the Presidency College.

* 312 *Q.*—Mr. V. T. ARASU: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that a professional cricketer has recently been imported from England to serve as a coach to the students of the Madras Presidency College;

(b) if so, what the terms of the contract are on which he was brought over to Madras; and

(c) whether to meet this additional expenditure any special fee is being collected from the students of the College?

A.—(a) Yes.

(b) The contract is a private one between the President of the College Athletic Association and the coach. The terms of the contract are not known to Government.

(c) No.

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Mr. V. T. ARASU:—"May I know who is the President of the Presidency College Athletic Association?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The Principal."

Mr. V. T. ARASU:—"Am I to take it that the Principal is not subordinate to the Government and is not subject to the control of the Government?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Certainly he is."

Mr. V. T. ARASU:—"May I know whether the Principal has taken the permission of the Government to enter into a contract with a professional cricketer?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It is not necessary to take the Government's permission."

Mr. V. T. ARASU:—"May I know who pays the salary of this gentleman?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not know if the payment made to him is a salary; he must be paid out of the funds of the Athletic Association of which the Principal is the President."

Mr. V. T. ARASU:—"From what source does the Athletic Association get its funds?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Notice."

Appointment of a male as Music Teacher in the Queen Mary's College, Madras.

* 313 *Q.*—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) how many music teachers are there in the Queen Mary's College; how many of them are ladies and how many are men;

(*b*) when was each of them appointed and why;

(*c*) whether any lady teacher was recommended recently by the Madras Services Commission for the place now held by the male teacher and whether the said lady candidate was appointed to the post;

(*d*) if so, why her services were terminated and when was the post revived and the male teacher appointed;

(*e*) whether it is now the policy of the Government to replace women teachers by male teachers in the Queen Mary's College; and

(*f*) if so, in how many departments of the College is such policy in force and why?

A.—(*a*) Two, one full-time and the other part-time; the former is a woman and the latter is a man.

(*b*) The former was appointed on the 8th July 1931. The latter was first appointed when the post was a part-time post on the 2nd July 1928 and continued until the 1st April 1931 when he went to Europe to undergo a course of study

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in Music. He was re-appointed as a part-time instructor on the 1st August 1932. The reason for both appointments was that the persons selected were the best people available on the conditions offered to teach music in the College.

(c) The Madras Services Commission recommended a woman candidate for a full-time post last year and she was appointed to that post.

(d) Her services were terminated when the full-time post was abolished. The post was revived as a part-time post on the 1st August 1932 and the man teacher appointed to it.

(e) No; the policy is to staff the College with women so far as suitable candidates are available.

(f) Does not arise.

Mr. Basheer Ahmed Sayeed :—" May I ask when these two full-ime posts were brought into existence and when they were converted ne into full-time and another into part-time? "

The hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" Notice."

Mr. Basheer Ahmed Sayeed :—" May I know why, when the vacancy rose, the woman who was already holding the post and who was sent ut, was not re-entertained, when she had been recommended by the ervices Commission? "

The hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" Notice."

Mr. V. T. Arasu :—" Have the Government received any representations from the girls of the Queen Mary's College that they resent the lea of being taught music by a male teacher? "

The hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" No, not as far as I am aware."

Mr. Abdul Hameed Khan :—" Will the Government consider the uestion of, as far as possible, appointing only lady teachers in the Vomen's College rather than appointing male teachers? "

The hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" That is the policy."

Mr. Abdul Hameed Khan :—" Then, why did the Government eviate from that policy in preferring a male in this case to a lady? "

The hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" It must be because no woman was available at that time."

Mr. Abdul Hameed Khan :—" Is it not a fact that the Commission ecommended a woman and she was appointed for the full-time post? is there already in the answer; then why should she not have been ppointed for the part-time post, in view of the fact that, in a women's ollege, a lady should be preferred to a male for teachership? "

The hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" The Commission never made a recommendation with regard to the part-time post. Their recommendation related only to the full-time post."

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Mr. V. T. Arasu:—" May I know whether the Principal of the College has taken the permission of the Government for appointing a male as a music teacher?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" The Government themselves made the appointment."

Mr. Basheer Ahmed Sayeed:—" May I ask at whose instance the former post was abolished?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" Possibly at the instance of the Retrenchment Committee, but I cannot say definitely."

Mr. Basheer Ahmed Sayeed:—" May I ask whether it is a fact that the post was abolished and revived afterwards at the instance of the Principal of the Queen Mary's College to suit her whims and fancy?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" No, Sir; not to suit her whims."

Mr. V. T. Arasu:—" May I know whether Government have sanctioned the appointment of this gentleman as music instructor?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" I think they have; but if you will give notice, I shall find out."

Mr. Abdul Hameed Khan:—" May I know if this gentleman recently made a musical pilgrimage to Europe?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" He went for studies in European music."

Mr. Basheer Ahmed Sayeed:—" May I know whether any opportunity was given to the lady whose post was abolished to accept the part-time post which was retained?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" Notice."

Mr. V. T. Arasu:—" May I know whether it is a fact that the Principal of the college has been paying this gentleman certain remuneration without the sanction of the Government and that it was only later that she obtained the requisite sanction of the Government?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" I am not aware of it."

Teachers of the Queen Mary's College enjoying the concession of rent-free or paying quarters.

* 314 *Q.*—Mr. Basheer Ahmed Sayeed: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) the number of teachers in the Queen Mary's College (i) enjoying rent-free quarters, (ii) paying rents with the service, nature of the post held and pay during the years 1929 to 1932 of each teacher;

(*b*) what the authority is that assigns these rent-free quarters and whether there are any principles governing the same; and

(*c*) whether it is true that sometimes teachers who are already enjoying rent-free quarters are deprived of the privilege, and if so, under what authority and for what reasons?

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A.—(*a*) A statement [a] is placed on the table.

(*b*) The Government have permitted the Principal, ten other members of the staff, and the house-keeper to live rent free in return for the supervision exercised by them over the hostel students. The Principal uses her discretion in allotting the quarters, preference being given to senior members of the staff and to those who are able to exercise effective supervision over the inmates of the hostel.

(*c*) Members of the staff enjoying rent-free quarters are deprived of the privilege in the following cases—

(1) when they are only in temporary occupation of the quarters, e.g., a junior officer who is allowed rent-free quarters during the absence on leave of a senior officer is deprived of the concession when the senior officer returns to duty;

(2) when they request to be relieved of hostel supervision duties the performance of which is the condition on which free quarters are allowed; and

(3) when a member of the staff is unable to manage the hostel duties allotted to her satisfactorily.

Mr. BASHEER AHMED SAYEED:—" May I ask whether it is a fact that some of the occupants of rent-free quarters are having sub-tenants under them and, if so, whether they pay any rent to the occupants or to the Government? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I have no information."

Mr. BASHEER AHMED SAYEED:—" Will he call for information, Sir? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Yes."

Mr. BASHEER AHMED SAYEED:—" May I ask whether there are two or three senior grade women teachers who are not given free quarters? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I shall enquire, Sir."

Mr. BASHEER AHMED SAYEED:—" May I also ask how many junior teachers are given such quarters in preference to senior teachers at present? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I shall find it out."

Enforcement of the Champion Scheme of Elementary Education by Local Bodies.

* 315 *Q.*—Mr. A. B. SHETTY: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) whether any of the local bodies have given effect to the Champion Scheme; and

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[a] Printed as Appendix II on pages 491–492 infra.

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(*b*) whether the Government propose to take any steps to compel local bodies to give effect to the scheme?

A.—(*a*) Yes.

(*b*) The question of how best to give effect to the recommendations in Mr. Champion's report is engaging the attention of the Government.

Mr. A. B. SHETTY:—"May I ask how many local bodies have en effect to this scheme?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I cannot give the reply off-hand. Please give notice of the question."

Mr. ABDUL HAMEED KHAN:—"May I ask the hon. Minister to let know how he reconciles these two statements: in answer to (*a*) hether any of the local bodies have given effect to the scheme' he s 'yes'; and in answer to (*b*) he says: 'the question of how best give effect to the recommendations' is engaging the attention of Government.' May I know how he reconciles these two?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The first affirmative answer is in reply to the question whether 'any' of the local bodies have given effect; that is, it means *some* local bodies. The second question relates to compelling the local bodies to give effect to the scheme."

Mr. ABDUL HAMEED KHAN:—"May I know whether the Government have given them permission to put this scheme into effect?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Yes."

Mr. BASHEER AHMED SAYEED:—"May I ask whether the Government have issued orders to stop the Champion's scheme being given ct to in the case of Muslim schools in view of the recommendations the Muslim Education Committee?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I recollect some instructions have been given, but without notice I cannot say exactly what the nature of those instructions are."

Mr. BASHEER AHMED SAYEED:—"Is the hon. Minister aware that, pite of those instructions, in the districts of Coimbatore and Salem scheme is given effect to with reference to Muslim schools, and ther he will put a stop to that?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I am not aware of that."

Mr. ABDUL HAMEED KHAN:—"Will the Government realize that iew of the fact that Government are not following a consistent policy egard to this matter, the local bodies are not taking any action of r own without consulting the Government in this matter?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The Government are not following any inconsistent policy. I can safely say that."

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Excise

Abandonment of the Prohibition Experiment in the Salem district.

* 316 *Q*.—Mr. A. B. Shetty: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) whether the Government have decided to abandon the prohibition experiment in Salem district and, if so, what the order of the Government is;

(*b*) what the areas are in which the experiment was tried;

(*c*) the number of arrack, toddy and foreign liquor shops in the prohibition area during 1930, 1931 and 1932;

(*d*) whether certain adjacent arrack and toddy shops were closed to help the experiment and if so, what the number of shops so closed is;

(*e*) what the consumption of arrack, toddy and foreign liquor was in shops situated adjacent to the 'dry' area in 1930, 1931 and 1932;

(*f*) what the number of abkari offences was in 1930, 1931 and 1932 in the 'dry' area and what the average for the Presidency was during these years;

(*g*) whether the creation of the 'dry' area stimulated the consumption of harmful drugs and, if so, what those drugs are and what the consumption of these drugs was during 1930, 1931 and 1932; and

(*h*) what the number of cases of illicit distillation was in the 'dry' area before the experiment and afterwards (figures for 1930, 1931 and 1932 may be given separately)?

A.—(*a*) & (*b*).—The hon. Member's attention is invited to G.O. No. 1857, Revenue, dated 6th September 1932, which has been placed at the disposal of the Press.

(*c*) *to* (*e*) & (*g*) The Government have not the information but have called for a report.

(*f*) & (*h*) The attention of the hon. Member is invited to the statistics given in the Excise Commissioner's reports appended to the answer to clauses (*a*) and (*b*) of question No. 205-A and to Statement G in the Annual Excise Administration reports.

Mr. A. B. Shetty:—"With reference to the answer to questions (*c*) to (*e*) and (*g*), may I know whether the Government will be pleased to place the report, when it is received, on the table of the House?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"It has been already placed on the table in answer to another question which was answered some days ago."

Report of the Excise Commissioner regarding the Prohibition Experiment in the Salem district.

* 317 *Q*.—Mr. A. B. Shetty: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) whether the Commissioner of Excise visited the 'dry' area in Salem before he advised the Government to abandon the experiment and if so, what the villages he visited are and the number of people he interviewed;

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(b) whether he will place the report of the Commissioner on the working of the experiment on the table of the House;

(c) whether representations have been received by the Government urging the reopening of shops and what the nature of these representations is;

(d) whether the Government have considered the desirability of putting into effect the principle of local option before reopening the shops; and

(e) the number of prosecutions launched in the 'dry' area against temperance workers during the period and the number of persons in the 'dry' area convicted under the Molestation and Boycott Ordinance during the period the Ordinance has been in force?

A.—(a) Yes. Most of the villages in which shops had been closed were visited by the Commissioner and he made personal enquiries and received deputations at convenient centres.

(b) A copy[a] of the report is appended.

(c) The hon. Member's attention is invited to the statement appended to the answer to clause (c) of question No. 205A.

(d) No.

(e) The Government have not the information but have called for a report.

Fisheries

Disposal of the apparatus attached to the trawler 'Lady Goschen.'

* 318 *Q.*—Mr. A. B. SHETTY: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether the trawler 'Lady Goschen' has been disposed of and if so, for what price;

(b) whether the apparatus, tools, etc., with which the trawler was equipped have been removed before its disposal;

(c) whether any of the boats and other articles have been removed to the Fisheries Institute;

(d) if the answer to (c) is in the affirmative, what use is being made of them in the Institute; and

(e) whether any additional establishment has been provided for the Institute on this account?

A.—(a) Yes, for Rs. 3,251.

(b) Yes.

(c) No.

(d) & (e) Does not arise.

Mr. BASHEER AHMED SAYEED:—"May I ask why it is that the trawler '*Lady Goschen*' was sold for such a small sum as Rs. 3,250?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"There was no higher price offered than that."

Mr. BASHEER AHMED SAYEED:—"May I ask what exactly led to the deterioration of the trawler to such an extent?"

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[a] Printed as Appendix III on pages 493–498 infra.

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I cannot say that."

Mr. BASHEER AHMED SAYEED:—" Has there been any enquiry or investigation as to why the trawler which originally cost a lakh and odd rupees should have been sold now for this petty sum? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It is not necessarily due to deterioration; it must be due to the fact that there was no demand for the trawler."

Mr. BASHEER AHMED SAYEED:—" May I ask whether the matter has been considered by the Public Accounts Committee and, if so, what action the Government have taken thereon? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" *I am not* aware whether the matter went before the Public Accounts Committee."

Agriculture

Injury to arecanut palms by the Mahali pest.

* 319 *Q.*—Mr. A. B. SHETTY: Will the hon. the Minister for Public Works be pleased to state—

(*a*) whether the Government are aware that the Mahali pest seriously affected the arecanut palms in certain parts of Malabar especially in Ponnani and Ernad taluks;

(*b*) what steps have been taken to check the spread of this pest; and

(*c*) whether he will be pleased to call for a report and place it on the Table of the House?

A.—(*a*), (*b*) & (*c*) The report[a] of the Deputy Director of Agriculture (VII Circle) on the subject is placed on the table.

Closure of the Chintaladevi Cattle Farm.

* 320 *Q.*—Khan Bahadur YAHYA ALI SAHIB Bahadur: Will the hon. the Minister for Public Works be pleased to state—

(*a*) whether the Chintaladevi Farm has been closed;

(*b*) what the amount is of money realized by the sale of livestock available there; and the amount spent for disposing it of, including travelling allowance of officers, etc., and the transit charges;

(*c*) what the value of livestock was as shown in the capital account before it was disposed of;

(*d*) whether the Government think of disposing of the lands and buildings of the farm, and if so, how; and

(*e*) whether offers from the public have been received for the purchase of the farm property?

A.—(*a*) The farm was closed with effect from 1st August 1932.

(*b*) Excluding the value of the cattle transferred to other agricultural stations, the money realized by the sale of livestock amounts to Rs. 4,675-8-0. The expenditure incurred in the disposal including travelling allowance of officers, etc., and transit charges was Rs. 425-8-0.

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[a] Printed as Appendix IV on pages 498-500 infra.

(c) The book value of the livestock sold was Rs. 5,003.

(d) The lands and buildings have been ordered to be transferred to the Revenue Department for disposal.

(e) Offers were received from certain gentlemen and have been sent to the Collector of Nellore for disposal.

Co-operative Societies

Liquidation of Co-operative Societies during the period 1928–31.

* 321 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Public Works be pleased to state for each of the years 1928 to 1931 (both inclusive)—

(a) the number of co-operative societies liquidated;

(b) the assets taken charge of by the liquidators;

(c) the sums actually collected and written off respectively with reference to the above societies; and

(d) the number of co-operative credit societies organized and registered?

A.—(a)	1928–1929	150
	1929–1930	383
	1930–1931	516
	1931–1932	629
(b)	1928–1929	Rs. 4,67,986
	1929–1930	„ 8,35,059
	1930–1931	„ 4,33,455
	1931–1932	„ 18,11,029
(c)	1928–1929	„ 58,858
	1929–1930	„ 86,120
	1930–1931	„ 1,30,992
	1931–1932	„ 2,50,222

These figures include the assets written off as irrecoverable for which separate figures are not readily available.

(d)	1928–1929	726
	1929–1930	534
	1930–1931	320
	1931–1932	127

Mr. A. RANGANATHA MUDALIYAR:—"May I know why the number of societies liquidated from year to year has been constantly on the increase, from 150 in 1928–29 to 629 in 1931–32?"

The hon. Mr. P. T. RAJAN:—"They were not functioning properly."

Mr. A. RANGANATHA MUDALIYAR:—"May I know why the number of societies usually registered year after year fell from 726 in 1928–29 to 127 in 1931–32?"

The hon. Mr. P. T. RAJAN:—"I suppose there were not many applications for registration of new societies."

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Mr. Basheer Ahmed Sayeed :—" May I ask whether the hon. the Minister has enquired into the reasons for this large liquidation and also for the small organization, from the head of the department? "

The hon. Mr. P. T. Rajan :—" If societies do not function properly, the policy of the Government is to liquidate them."

Mr. Basheer Ahmed Sayeed :—" May I know whether any report has been submitted to the Government as to the reasons for the large number of liquidations and the small number of organizations, in spite of the fact that there is a big heavy staff which is daily increasing? "

The hon. Mr. P. T. Rajan :—" I suppose the hon. Member can get all the information he wants from the Administration Report for the years concerned."

Mr. A. Ranganatha Mudaliyar :—" In answer to clause (*c*), the hon. Minister says: 'These figures include the assets written off as irrecoverable for which separate figures are not readily available.' So, these figures include both the sums collected and the amounts written off. I think it is very important that we should know how much has actually been collected and how much has been written off. Will the hon. Minister get detailed information on this matter?"

5 The hon. Mr. P. T. Rajan :—" I will certainly consider the suggestion."

Rao Bahadur T. A. Ramalingam Chettiyar :—" May I ask the hon. Minister whether they can take steps to increase the number of societies? "

The hon. Mr. P. T. Rajan :—" If there is co-operation, the movement can be spread."

Rao Bahadur T. A. Ramalingam Chettiyar :—" Why should Government take such a long time for the liquidation of societies? "

The hon. Mr. P. T. Rajan :—" We have got to liquidate a large number of societies and naturally it takes time and that cannot be done simultaneously."

Rao Bahadur T. A. Ramalingam Chettiyar :—" Is the hon. Minister aware that it takes even ten years for the liquidation of some of these societies?"

The hon. Mr. P. T. Rajan :—" I am not aware of such cases, Sir."

Mr. A. Ranganatha Mudaliyar :—" In reply to a previous question the Minister was good enough to say that the fall in the number of societies was due to want of application. May I ask him whether it is due to that or due to any policy on the part of the Government that fresh societies should, as far as possible, not be registered? "

The hon. Mr. P. T. Rajan :—" To some extent, the policy of the Government has been that where the Registrar thinks that the

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societies can function properly and those who are responsible for the working of these societies are in earnest about the registration of such societies."

Mr. A. RANGANATHA MUDALIYAR:—"It is stated in the answer that every year 629 societies are liquidated and only 126 are started. May I ask, Sir, how long will it take for the total number of societies to come to nil?"

The hon. Mr. P. T. RAJAN:—"It is a matter of arithmetic."

Veterinary Department

Closure of the Veterinary Hospital at Udipi.

* 322 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Minister for Public Works be pleased to state—

(*a*) whether it is a fact that the Veterinary Hospital at Udipi intended for the three northern taluks of South Kanara has been abolished;

(*b*) what the number is of cattle that have been treated annually at the veterinary hospitals of Udipi, Mangalore and Puttur, respectively ever since they were started; and

(*c*) whether the Government are taking any steps to provide adequate veterinary relief to the three northern taluks of South Kanara?

A.—(*a*) Yes.

(*b*)—

Name of institution.	Year.	Number of cattle treated.
Veterinary Dispensary, Udipi.	1929–1930 (from 1st September 1929).	219
	1930–1931	435
	1st April 1931 to 6th March 1932	498
Veterinary Hospital, Mangalore.	1918–1919	388
	1919–1920	608
	1920–1921	577
	1921–1922	672
	1922–1923	724
	1923–1924	821
	1924–1925	884
	1925–1926	834
	1926–1927	770
	1927–1928	851
	1928–1929	941
	1929–1930	814
	1930–1931	843
	1931–1932	1,061

Name of institution.	Year.	Number of cattle treated.
Veterinary Dispensary, Puttur.	1921–1922	810
	1922–1923	756
	1923–1924	872
	1924–1925	807
	1925–1926	792
	1926–1927	702
	1927–1928	803
	1928–1929	716
	1929–1930	794
	1930–1931	795
	1931–1932	1,180
	1932–1933 up to 18th September 1932	575

(*c*) The touring veterinary assistant surgeon stationed at Udipi is looking after the Udipi and Coondapoor taluks while the touring veterinary assistant surgeon at Mangalore has jurisdiction over the Karkal taluk.

Mr. U. C. SUBRAHMANAYA BHATT:—" May I know, whether in view of the fact that there are more than two or three veterinary hospitals for the southern taluks, will the hon. Minister consider the advisability of restoring at least one veterinary hospital for the northern taluks? "

The hon. Mr. P. T. RAJAN:—" If funds are available, I will consider the suggestion of my hon. Friend."

Local Self-Government

Postponement of the election to the District Board, Tanjore.

* 323 *Q.*—Mr. A. Pl. N. V. NADIMUTHU PILLAI: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that the election to all district boards except that of Tanjore has been ordered to take place within the 31st August 1932;

(*b*) whether it is the intention of the Government to further extend the period of reconstitution of the Tanjore District Board;

(*c*) if so, whether the Government will be pleased to state the reasons therefor;

(*d*) whether it is a fact that the preparation of electoral rolls in respect of the Tanjore District Board has been postponed;

(*e*) if so, what the reasons therefor are;

(*f*) if the answer to clause (*d*) is in the negative, whether the electoral rolls in respect of the Tanjore district have now been got ready;

(*g*) if not, how long it will take to get them ready;

(*h*) whether the Government will be pleased to state the special steps they propose to take to this end;

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(*i*) whether the Government have accepted the recommendations of the Tanjore District Board as resolved at the special meeting convened for dividing the area into circles;

(*j*) if not, whether there is any departure from the recommendations of the Tanjore District Board; and

(*k*) if so, what the changes brought about are in the division of the Tanjore District Board area into circles and allocation of seats to each?

A.—(*a*) The answer is in the negative.

(*b*) The answer is in the affirmative.

(*c*) *to* (*h*) The electoral roll will be made final on the 30th October 1932.

(*i*) The Government have, in the main, accepted the recommendations of the District Board.

(*j*) The answer is in the affirmative.

(*k*) A statement [a] is appended.

Mr. V. T. Arasu:—"May I know the special circumstances which necessitated the postponement of the elections?"

The hon. Diwan Bahadur B. Muniswami Nayudu:—"Though orders were passed some time ago, electoral rolls had to be prepared. There was delay particularly in the Tanjore district, as the election officers found it difficult to get the required information in the zamindari areas. They, therefore, took a long time for the preparation of the rolls."

Mr. V. T. Arasu:—"May I know whether any representations have been received by Government either from the district board as a body or from influential individual members of the district board requesting the Minister to postpone the elections?"

The hon. Diwan Bahadur B. Muniswami Nayudu:—"No, Sir."

Amount of motor vehicles tax paid to the District Board, Ganjam, and the municipalities thereof.

* 324 *Q*.—Sriman M. G. Patnaik Mahasayo: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) the amount promised to the District Board, Ganjam, and the Municipalities of Berhampur, Parlakimedi and Chicacole out of the collections of the motor vehicles taxation and the amounts actually paid to the said local bodies in 1931–32;

(*b*) the agency employed to collect the tax and the expenditure incurred thereunder;

(*c*) whether a correct list of motor vehicles liable to pay tax under the said Act is prepared for every district;

(*d*) if so, the agency which prepared it and which checked it;

(*e*) whether copies of such lists are furnished to all officers empowered to recover the tax and to the local bodies concerned;

[a] Printed as Appendix V on page 500 infra.

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(*f*) whether reports are submitted to the Government each quarter as to the demand, collection and balance and as to the number of motor vehicles registered during the quarter for each district and liable to pay the tax;

(*g*) the number of cases in the Ganjam district in which coercive processes were resorted to for recovery of the provincial tax under the Motor Vehicles Taxation Act in 1931–32;

(*h*) whether the amount realized by way of provincial tax under the said Act was disbursed *pro rata* to the several local bodies on the basis of the amounts promised to them at the time the Act was passed; and

(*i*) if not, the principle on which disbursement was made?

A.—(*a*) The total amounts due to the District Board, Ganjam, and the Municipalities of Berhampur, Parlakimedi and Chicacole were fixed tentatively as follows:—

	RS.
Ganjam District Board	98,000
Berhampur Municipal Council	33,000
Parlakimedi Municipal Council ...	9,000
Chicacole Municipal Council	15,000

The local bodies were actually paid in 1931–32, 33/80 of the amounts specified above.

(*b*) The tax is collected by licensing officers appointed by the Government and a special police staff is employed for checking licences to prevent evasion of tax. The expenditure in 1931–32 was Rs. 48,919.

(*c*) No.

(*d*) & (*e*) Do not arise.

(*f*) No.

(*g*) Seventy-nine cases.

(*h*) & (*i*) Yes. The basis of distribution to local bodies is explained in G.O. No. 1081, L. & M., dated 28th March 1931, a copy of which has been placed on the table in answer to question No. 282, dated 30th October 1931.

Irregularity in the payment of the salaries of teachers by the Taluk Boards of Chicacole and Berhampur.

* 325 *Q.*—Sriman M. G. Patnaik Mahasayo: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the irregularity in payment of the teachers in the ervice of the Taluk Boards of Chicacole and Berhampur has come to he notice of the Government by means of audit reports or otherwise;

(*b*) if so, the reasons for such irregular payment;

(*c*) whether educational funds are not constituted for the said aluk boards under the Madras Elementary Education Act; and

(*d*) whether the said fund is not sufficient for regular payment of he salaries of the said teachers?

A.—(*a*) Yes.

(*b*) Due generally to lack of ready cash.

(*c*) Yes.

(*d*) The funds are sufficient for the purpose in the case of both the taluk boards.

Sriman M. G. PATNAIK Mahasayo:—"In the answer to clause (*b*) it is stated to be due to lack of ready cash. May I know how this came about?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"One reason is that the elementary education cess income was not adjusted in time. Another reason is that the Board incurred heavy capital expenditure on schools."

Mr. A. RANGANATHA MUDALIYAR:—"Can the diversion of the elementary education fund be made for other purpose?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"I believe not."

Medical Administration

Admission of students into the Medical College at Vizagapatam.

* 326 *Q.*—Mr. K. KESAVA RAMAMURTI NAYUDU: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) the total number of students that have been admitted into the Medical College, Vizagapatam, this year;

(*b*) the total number of applicants from the Telugu districts for the year 1932;

(*c*) the number of candidates selected from among them;

(*d*) whether any Andhra students are shut out even when there are seats available; if so, why; and

(*e*) whether it is not the policy of the Government to provide seats for Andhra applicants first and to give the surplus seats to applicants from the other districts?

A.—(*a*) 50.

(*b*) 57.

(*c*) 40.

(*d*) Yes. Some Andhra students were not selected; but students from other districts were selected to secure an adequate representation of all communities.

(*e*) As far as possible students from Andhra districts are given preference subject to the consideration referred to in clause (*d*) above.

Mr. V. T. ARASU:—"In the answer it is stated that students belonging to other districts were also given seats in the college. May I know the names of the districts from which students were admitted?"

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"I cannot answer the question off-hand."

Central Records Office

Communal representation in the Madras Records office.

* 327 *Q.*—S. M. K. BEYABANI SAHIB Bahadur: Will the hon. the Member for Finance be pleased to state—

(*a*) whether it is a fact that the Curator was directed to issue in April 1931 an office order preferring Non-Brahmans to Brahmans as and when vacancies arise, till the number of Brahmans in each grade of the office is reduced to 50 per cent;

(*b*) whether the order was issued as a result of Government committing themselves to such a policy;

(*c*) whether this order was subsequently cancelled by the Curator;

(*d*) whether the Government were consulted in the cancellation of the order; and

(*e*) whether the question of restoration of the order is under the consideration of the Government?

A.—(*a*) *to* (*e*) The attention of the hon. Member is invited to the answer given to Legislative Council Question No. 187.

Sanctioned scale of establishment of the Madras Records office as on 1st April 1931.

* 328 *Q.*—S. M. K. BEYABANI SAHIB Bahadur: Will the hon. the Member for Finance be pleased to state—

(*a*) the number of permanent and temporary posts in the Madras Records office on 1st April 1931;

(*b*) the number of Brahmans and Non-Brahmans in those posts; and

(*c*) when the next permanent vacancy arises?

A.—The attention of the hon. Member is invited to the answer given to the Legislative Council Question No. 188.

Provincial Finance

Revision of the salaries of the non-gazetted services.

* 329 *Q.*—Mr. P. BAYAPPA REDDI: Will the hon. the Member for Finance be pleased to state—

(*a*) whether the Madras Retrenchment Committee, which considered the question of proposing reduced scales for public servants, made any investigation with reference to non-gazetted officers and with what result;

(*b*) if not, what the basis is for the Madras Retrenchment Committee's recommendation to reduce the scales of pay, which is said to be under the consideration of the Government; and

(*c*) whether the resolutions passed by the convention of service associations of non-gazetted officers at Madras on 25th September 1932 have been received by the Government; and, if so, whether any action has been taken thereon?

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A.—(*a*) & (*b*) The attention of the hon. Member is invited to paragraphs 146, 147, 148 and 153 on pages 62, 63 and 65 of the Report of the Retrenchment Committee which explain the reasons which led the Committee to recommend a revision of salaries. It will be observed that the revision is recommended on account of the general fall in the cost of living and the Government's inability to pay salaries at their present rates owing to their financial position.

(*c*) A copy of the resolutions referred to has not been received by Government.

Mr. BASHEER AHMED SAYEED:—"May I know what stage the posal for the revision of the salaries of the non-gazetted officers reached now?"

The hon. Mr. H. G. STOKES:—"The matter is under the examination of the Special Officer and the results of his examination will be submitted to the Government in due course."

Mr. V. T. ARASU:—"May I know from the hon. the Finance mber whether all the recommendations of the Retrenchment Comtee which have been accepted by the Government have been given ct to?"

The hon. Mr. H. G. STOKES:—"I must ask for notice of the question, but I do not see how this supplementary question arises out of the question before the House."

Mr. BASHEER AHMED SAYEED:—"May I know whether the hon. Finance Member made any independent investigation to find out justification for the revision of the salaries in the case of non-etted officers?"

The hon. Mr. H. G. STOKES:—"I am at a loss to know what the hon. Member means by 'independent' investigation. The answer is 'No'."

Mr. BASHEER AHMED SAYEED:—"I only want to know whether, rt from what the department is able to give, any independent intigation has been made by him to find out the justification for the ision of the salaries of non-gazetted officers?"

The hon. Mr. H. G. STOKES:—"So far, no such investigation has been made."

Mr. V. T. ARASU:—"May I know, Sir, whether Government have ducted any inquiry into the family budget of these people and ertained whether the scales of pay that the Government are paying m is adequate for a decent living?"

The hon. Mr. H. G. STOKES:—"No, Sir."

Mr. V. T. ARASU:—"Then, may I know, Sir, the reasons which pelled the Government to revise the scales of their salaries?"

The hon. Mr. H. G. STOKES:—"The Government consider it essential to economize."

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Mr. V. T. ARASU :—" May I know whether the Government are of the opinion that for the salaries that they propose to give, they can get capable and efficient men? "

The hon. Mr. H. G. STOKES :—" It is not improbable."

Mr. BASHEER AHMED SAYEED :—" May I ask how Government came to find suddenly out that they should not pay the salaries to the services that were organized a hundred years ago? "

The hon. Mr. H. G. STOKES :—" They were not instituted a hundred years ago, but the existing scales were instituted mostly in 1921 when prices were very high."

Proposal to introduce a uniform scale of pay for clerks of the lowest grade.

* 330 *Q.*—Mr. P. BAYAPPA REDDI : Will the hon. the Member for Finance be pleased to state—

(*a*) whether the Government are considering to replace the scales of pay 35—60 and 60—80 of non-gazetted Government officers for the lowest grade clerks by a single reduced scale of pay of Rs. 30—60 with a biennial increment;

(*b*) if so, what the amount of increment proposed is; and

(*c*) whether the Government are considering to effect a permanent cut in the pay of the non-gazetted services, especially of the grades Rs. 30—60 and Rs. 60—80, and to insist on the existing incumbents to accept either the permanent cut or the new scale of pay?

A.—(*a*) & (*b*) The question whether the two lower grades of clerks may be combined and placed on a single scale of pay, allowing at the same time a special pay for clerks holding posts which involve increased responsibility or doing more responsible work than other clerks on the same rate of pay is under the consideration of Government and no final decision on the question or as regards the scale of pay or special pay has been arrived at.

(*c*) There is no such proposal under consideration.

Irrigation

Supply of surplus water from Mettur to Trichinopoly.

* 331 *Q.*—Mr. K. SINGAM AYYANGAR : Will the hon. the Member for Revenue be pleased to state whether any decision has been arrived at in regard to the surplus water available from Mettur project being given to the Trichinopoly district and the rate at which it is to be given?

A.—No. The question is under examination.

Reconditioning of the Marandai channel and tank in the Tinnevelly district.

* 332 *Q.*—Mr. M. D. T. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether a petition to recondition the Marandai channel and tank in the Tinnevelly district was presented on behalf of the ryots of Marandai while the hon. Member visited the district in November 1931;

(*b*) whether any reply has been sent, and if so, what it was;

(*c*) whether the hon. Member was shown over portions of the channel by the ryots' spokesmen;

(*d*) whether any local or departmental enquiry was ordered by the hon. Member, and if so, who has been entrusted with the reporting of the same;

(*e*) whether any report has been sent up and what its nature is;

(*f*) what the latest estimated cost of reconditioning the channel is; and

(*g*) whether the Government contemplate starting the work by stages?

A.—(*a*) Yes.

(*b*) No reply has yet been sent to the petitioners.

(*c*) The hon. Member saw a portion of the channel.

(*d*) No departmental enquiry was ordered, but the Chief Engineer (Irrigation) and the Board of Revenue were asked to submit a report in the matter.

(*e*) Only intermediate reports have been received and final reports are awaited.

(*f*) Rs. 26,300 for improvements and Rs. 31,620 for repairs to the anicut and channel.

(*g*) The works have not been started pending the settlement of the question of contribution payable by the Zamindar of Uttumalai Estate and Inamdar of Vellegal, which is under correspondence.

Land Revenue Administration

Alleged issue of notices to respectable citizens by the Revenue Divisional Officer, Tinnevelly.

* 333 *Q.*—Mr. M. D. T. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether it is a fact that the Revenue Divisional Officer of Tinnevelly served notices on many respectable citizens of Tinnevelly town on 6th August 1932, for the purpose of holding an enquiry into an alleged disturbance in the Tinnevelly Municipal Office compound in connexion with the election of the vice-chairman;

(*b*) under what provision of law was such notice served.

(*c*) whether any complaint was made to him or to the Collector; and if so, by whom and when;

(*d*) what the complaint was;

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(e) whether all the gentlemen to whom notices were served responded in answer to the said notices;

(f) how many of them responded;

(g) whether all the notices were uniform or different;

(h) if different, how and why;

(i) what was the result of the enquiry;

(j) whether the hon. Member will be pleased to lay the complaint and the several notices on the table;

(k) whether any representation was made to the Government by Mr. P. Kuppuswami Ayyar, B.A., B.L., Advocate and Vice-Chairman, Tinnevelly Municipality, and if so, what it is;

(l) whether he has sought for sanction to sue for damages on the person who sent the notices;

(m) whether the sanction applied for has been granted; and

(n) if so, when?

A.—(a) Mr. P. Kuppuswami Ayyar, Advocate, Tinnevelly, has written a letter to Government stating that such a notice was served on him and a few other persons.

(b) *to* (i) The Government have no information.

(j) A copy [a] of the notice which the Government received from Mr. P. Kuppuswami Ayyar is attached.

(k) & (l) Yes. A copy [a] of his letter is attached.

(m) & (n) Mr. Kuppuswami Ayyar was on September 2nd last asked to state under what provision of law he desires the sanction of the Government. He has not replied.

Orders, if any, restricting jamabandi tours.

* 334 *Q.*—Swami A. S. SAHAJANANDAM: Will the hon. the Member for Revenue be pleased to state—

(a) whether there is any Government order restricting jamabandi tours; and

(b) what steps the Government have taken to see that such G.O. is obeyed?

A.—(a) & (b) In accordance with paragraph 3 of Board's Standing Order 12, jamabandi is ordinarily to be conducted at taluk headquarters.

The Government have no reason to suppose that the instruction is not being followed.

Re-classification of the lands in the Ponneri Channel Ayacut in the Udaiyarpalaiyam taluk.

* 335 *Q.*—Mr. V. T. ARASU: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have received any suggestion from either the Collector of Trichinopoly or the Board of Revenue to the

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a Printed as Appendix VI on page 501 infra.

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effect that the lands in the Ponneri Channel Ayacut in the Udaiyarpalaiyam taluk of the Trichinopoly district should be raised to a higher soil classification and consequently assessed at a higher rate; and

(b) if so, whether the hon. Member will be pleased to lay on the table a copy of that recommendation, and also state what action the Government propose to take on the same?

A.—The answer is in the negative.

Relief measures in Malabar on account of the cyclone in May last.

* 336 *Q.*—Mr. A. B. Shetty: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have received the final report from the Collector of Malabar regarding the measures of relief taken to alleviate the distress caused by the cyclone in May last;

(b) whether representations have been made to the Collector of Malabar and the Government asking for remission of assessment;

(c) whether the Collector of Malabar has recommended remission of assessment in respect of garden lands in which large number of fruit bearing trees have suffered severe damage, and, if so, what the orders of Government are on the subject; and

(d) whether he will be pleased to place on the table of the House the reports of the Collector and the orders of Government thereon?

A.—(a) & (d) The final report of the Collector of Malabar, dated 15th July 1932, was annexed to the answer given on 2nd August 1932, to question No. 25.

The report was "recorded" by the Government.

(b) The hon. Member is referred to the answer to clause (d) of question No. 227.

(c) The Collector has made no such recommendation.

B. Pocker Sahib Bahadur:—"May I know whether the Government did not think it advisable to take any steps with reference to the report of the Collector as regards the destruction caused by the cyclone in Malabar?"

The hon. Sir Archibald Campbell:—"No, Sir."

B. Pocker Sahib Bahadur:—"Was it not patent from the report submitted by the Collector that a great deal of havoc has been done to the crops and to the trees in that part of the country and that people will be disabled from paying the assessment in respect of those lands as a result of the cyclone?"

The hon. Sir Archibald Campbell:—"I must refer the hon. Member to the Collector's report which has already been placed on the table of the House."

B. Pocker Sahib Bahadur:—"I want to know whether the Government did not consider it necessary to take any steps with reference to that report in view of the contents of that report which I have already read?"

The hon. Sir Archibald Campbell:—"No, Sir."

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Temporary patta lands of Kachapur village, Adoni taluk.

* 337 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the temporary patta lands of Kachapur village, Adoni taluk, Bellary district, have been in the occupation and enjoyment of the respective holders for very many years past;

(*b*) whether it has been the practice as well as the rule to leave the pattadars in uninterrupted enjoyment of their lands unless it be that the lands are required for a public purpose;

(*c*) whether these lands or some of them were thought of for assignment to the depressed classes some years ago and the proposal dropped as contrary to the letter and the spirit of the Boards' Standing Orders on the subject;

(*d*) whether the Government are now contemplating the sale of the above temporary patta lands either to their holders or others, and if so, why they are departing from the practice hitherto obtaining and whether the Government will compensate the temporary pattadars for the cost of the materials and the labour involved in reclaiming the lands and bringing them to their present productive condition; and

(*e*) the total extent of the temporary patta lands in the village of Kachapuram and the number of temporary pattadars concerned in them?

A.—(*a*) *to* (*e*) The Government have not yet obtained full information, and have called for a report from the Collector on certain points.

Mr. A. RANGANATHA MUDALIYAR:—"May I know, Sir, whether it is difficult to give such information as he has already in his possession or let me have it when I go to him?"

The hon. Sir ARCHIBALD CAMPBELL:—"My recollection is that the information is not quite clear on certain points and we have called for a further report on those points."

Limit of road margins in the case of District and Taluk Board roads.

* 338 *Q.*—Mr. U. C. SUBRAHMANYA BHATT:—"Will the hon. the Member for Revenue be pleased to state—

(*a*) whether there is any rule limiting road margins to half a chain on either side of the road in the case of District Board and Taluk Board roads; if so, what the orders of the Government are in the matter of road margins;

(*b*) whether it is a fact that the District Board and Local Boards of South Kanara insist upon having road margins of half a chain or even more on either side of the road contrary to the orders of the Government and have filed numerous complaints against owners of adjacent lands who have made vast improvements over portions of land registered as poramboke but really kumki from time immemorial; if so, how many such complaints have been filed by each of the local boards during the last two years; and

(*c*) whether any of the aggrieved persons petitioned to the Collector of South Kanara or the Revenue Board against the tyranny of local board Presidents praying for relief; if so, how many such petitions have been received and what action has the Collector or the Revenue Board taken thereon?

A.—(*a*) There is no rule fixing a limit for the width of road margins. The orders of the Government are that during resurvey, a reasonable width, which should usually be one chain or such smaller width as the poramboke field permits, but should not be less than the actually existing width on the ground of the road, should be demarcated as road poramboke to serve both as the road proper and as road margin.

(*b*) & (*c*) The Government have not the information but have called for a report.

Territorial Changes

Proposed amalgamation of the Tiruppattur taluk with Salem.

* 339 *Q*.—Mr. K. A. Nachiyappa Gounder: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether there is any proposal for the amalgamation of the Tiruppattur taluk of North Arcot district with Salem;

(*b*) if so, at what stage it is, and when it will be given effect to; and

(*c*) what the reasons that weighed with the Government are for making this change?

A.—(*a*), (*b*) & (*c*) The proposal has been dropped.

Mr. C. R. Parthasarathi Ayyangar:—"May I know the reasons why the proposal has been dropped?"

The hon. Sir Archibald Campbell:—"Because it is not advisable to carry it out."

Public Service

Observance of the Statutory rules in the matter of dismissal of public servants.

* 340 *Q*.—Mr. G. R. Premayya: Will the hon. the Member for Revenue be pleased to state whether the Government, in the case of dismissal of public servants, strictly adopt the procedure stated in the rules issued by the Secretary of State for India, under section 96 (2) of India Act published on pages 486 to 488 of Part I of *Fort St. George Gazette*, dated 10th May 1921 (and subsequently on 5th August 1924)?

A.—The procedure in regard to the dismissal of Government servants now in force is that prescribed in rule 55 of the Civil Services (Classification, Control and Appeal) Rules and this is invariably followed.

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Prisons and Prisoners

Political prisoners suffering from illness.

* 341 *Q*.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the aw Member be pleased to state—

(*a*) the number of political prisoners undergoing imprisonment in e various jails in the Presidency;

(*b*) whether any of them have taken ill after they were imprisoned id whether such illness had necessitated their being treated as in-tients in any of the hospitals;

(*c*) whether the Government have under consideration any propo-ls of setting such persons at liberty on the ground of ill-health;

(*d*) whether they are aware that Mr. Satyamurti, one such political isoner, is seriously ill in the Madras General Hospital and is about to dergo an operation; and

(*e*) whether the Government have under consideration any proposal : setting him free by reason of the serious nature of his ill-health?

A.—(*a*) A statement[a] showing the number of such prisoners as it stood on the 1st August 1932, is furnished.

(*b*) The Government have not complete information.

(*c*) No.

(*d*) & (*e*) The Government have sanctioned the release of S. Satyamurti on medical grounds on the 30th September 1932.

Mr. ABDUL HAMEED KHAN:—"May I ask the hon. the Law Mem-r whether he is aware that on account of the kind of food and the neral unhealthy atmosphere that is available in most of these jails at these political prisoners become ill and some of them have even ed either in jail or after coming out?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"No, Sir. The allegations made by my hon. Friend are not correct."

Mr. ABDUL HAMEED KHAN:—"Are the Government aware that, at ist in the case of Mr. Satyamurti, he became ill in jail?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"That is why Government released him."

Mr. ABDUL HAMEED KHAN:—"What I wanted to know is whether is not a fact that he became ill in jail and why?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It is a fact that he became ill in jail, and as to why he became ill in jail, so far as I am able to gather from the medical report, that is due to his constitution."

Mr. ABDUL HAMEED KHAN:—"Is it not a fact that, on account of · food supplied and the unhealthy atmosphere, most of these people ome ill in jail?"

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[a] *Printed as Appendix VII on page 502 infra.*

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The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"No, Sir."

Mr. ABDUL HAMEED KHAN:—"Will the Government enquire into the matter?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"There is no reason to enquire into the matter."

Mr. ABDUL HAMEED KHAN:—"Have the Government made enquiries and satisfied themselves that it is not so?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"There is no reason to make enquiries and there was no reason to make such enquiries."

Mr. ABDUL HAMEED KHAN:—"Does it mean that the Government are of opinion that the unhealthy atmosphere should continue."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Government are of opinion that the atmosphere is thoroughly healthy."

Medical opinion on the health of Mr. S. Satyamurti.

* 342 *Q.*—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Law Member be pleased to state—

(*a*) whether the Government have obtained the opinion of the medical officers who are treating Mr. S. Satyamurti in the General Hospital and what their report on the condition of his health is;

(*b*) if not, whether they propose to obtain the opinion; and

(*c*) whether they have considered the question of his release on the ground of the medical report and his ill-health?

A.—(*a*), (*b*) & (*c*) The hon. Member is referred to the answer to clauses (*d*) and (*e*) of question No. 341.

Filling up of a vacancy among the non-official visitors of the Cuddalore Jail.

* 343 *Q.*—Swami A. S. SAHAJANANDAM: Will the hon. the Law Member be pleased to state—

(*a*) whether a vacancy caused by the death of a Non-Brahman out of the three non-official visitors to the Cuddalore Jail has been filled up recently; if so, to what community he belongs; and

(*b*) to what community the other two non-official visitors belong; whether there is an Ayyangar already as a visitor?

A.—(*a*) & (*b*) Under rule 22 (3) of the Madras Jail Manual the District Magistrate appoints non-official visitors to a jail in the mufassal. The Government have no information regarding the appointments referred to, but will call for it.

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Number of Mappillas connected with the Malabar Rebellion who are still absconding.

* 344 *Q.*—B. Pocker Sahib Bahadur: Will the hon. the Law Member be pleased to state—

(*a*) whether there are any, and, if so, how many Mappillas who re wanted by the Police in connexion with the offences connected with the Rebellion and who have been absconding;

(*b*) what the kinds of offences are for which such persons are wanted and what the number is of persons wanted in connexion with ach kind of offence; and

(*c*) whether the Government have considered the advisability of ssuing a general amnesty in respect of such persons who are now in iding as they are wanted by the Police?

A.—(*a*) Yes; thirty-six.

(*b*) Particulars of the offences with which they have been charged are given below:—

Offences under sections 121 and 302, Indian Penal Code	27
Offences under section 302, Indian Penal Code ..	3
Offences under sections 121 and 302, Indian Penal Code and Mappilla Act	1
Offences under sections 121 and 395, Indian Penal Code	1
Offences under section 395, Indian Penal Code ..	1
Offences under Mappilla Act	3
Total ..	36

(*c*) The question was considered in 1930 and it was decided that the prosecutions against the 36 persons in question should not be withdrawn. Government have again considered the matter and have decided to withdraw the charges against the absconders.

B. Pocker Sahib Bahadur:—" May I know, Sir, whether the Government will be prepared to place on the table of the House the names f those absconders? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" I shall consider my hon. Friend's suggestions."

B. Pocker Sahib Bahadur:—" May I know whether I can take it from he answer that all these 36 persons who are said to be absconding can ome back to their homes without any fear that Government would ake proceedings against them? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" That is what is stated in answer to clause (*c*): 'The Government have again considered the matter and have decided to withdraw the charges against the absconders.' So, they can come back."

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B. POCKER SAHIB Bahadur.—" Will there be any further proceedings taken or will Government desist from taking any proceedings against them? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" In the answer Government say, they will not continue the proceedings against them."

B. POCKER SAHIB Bahadur:—" Thank you, Sir."

Labour

Measures for the relief of the unemployment among the educated classes.

* 345 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state whether the Government have taken or intend to take any steps to eradicate the evil of educated unemployment in the two West Coast districts which, according to their Press Communiqué No. 30/32, is the cause of the spread of the Civil Disobedience movement in those districts; if so, what the steps are that they intend to take or have taken ?

A.—The attention of the hon. Member is invited to the answer given to question No. 662 on the 19th March 1931 at pages 373–375 of the proceedings of the Legislative Council, Volume LVI, No. 6, regarding the action taken by the Government on the recommendations of the Unemployment Committee. As regards recommendations Nos. 24 and 28 which were pending in 1931, the committee appointed by the Director of Public Instruction recommended that the elements of agriculture might be taught in select higher elementary and middle schools with the aid of school gardens. In order to supply the teachers necessary for these classes it is proposed to open two training centres in agriculture in existing training schools—one for the Kanarese and Telugu districts and the other for the Tamil and Malayalam districts. The Director of Public Instruction has been asked to formulate detailed proposals to give effect to this scheme and his proposals are awaited.

Mr. V. T. ARASU:—" May I know, Sir, whether the Government are of opinion that by starting these two agricultural training centres, they will solve this problem of educated unemployment? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" That is all that we can do at present."

Mr. V. T. ARASU:—" May I know whether Government will be pleased to lay on the table the scheme that may be submitted by the Director of Public Instruction? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" The suggestion of the hon. Member will be considered."

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Law and Order—General

Alleged fraud in respect of a ring seized from Mr. D. Balarama Reddi of Nellore.

* 346 *Q.*—Rai Sahib C. Kolanda Reddi: Will the hon. the Home Member be pleased to state—

(*a*) whether Mr. Duvvuri Balarama Reddi of Nellore was arrested by the Circle Inspector of Nellore on 23rd July 1932 at about 8-30 a.m.;

(*b*) whether articles on his person at the time of arrest were seized along with the money purse by the Police at the Police station;

(*c*) whether it is a fact that among the articles seized, there was a gold ring set with an emerald worth about Rs. 120;

(*d*) whether Mr. Balarama Reddi was released on bail on 26th July 1932;

(*e*) whether it is a fact that, at the time of the release, when the articles were returned a ring with an inferior stone worth about Rs. 15 was substituted which does not fit in any of his fingers and that the matter was at once brought to the notice of the Magistrate, the Superintendent of Police and the Circle Inspector;

(*f*) whether when the press correspondent Mr. Cotra Adiseshiah wanted to report the matter to the Press, mufty constable Arunachellam threatened to implicate him in a criminal case if he did so;

(*g*) whether the proper ring has since been returned to the owner; and

(*h*) what steps the hon. Member has taken or proposes to take to redress the grievances of the victims and to punish the delinquents?

A.—(*a*) Yes.

(*b*) Yes.

(*c*) A gold ring set with a green stone was one of the articles seized. Mr. Balarama Reddi did not mention the value of the ring at the time of signing the list of articles seized.

(*d*) Yes.

(*e*) When the articles seized were being returned by the Stationary Sub-Magistrate, Nellore, Balarama Reddi represented that the ring and purse were not his and that inferior articles had been substituted for his. On the Stationary Sub-Magistrate asking him to make a report in writing he made a report which was sent to the Circle Inspector of Police, Nellore, for remarks. The Circle Inspector reported that the ring and purse in court were the same as those seized from Balarama Reddi and that he found that the ring fitted Balarama Reddi's right hand little finger. On 27th July 1932, Balarama Reddi sent a petition to the District Superintendent of Police. A detailed enquiry was held in the matter and the allegations were found to be untrue. The District Superintendent of Police, Nellore, came to the conclusion that there was no reason to believe that another ring had been substituted for that seized from Balarama Reddi. The District Magistrate who personally investigated the case is also

(f) The press correspondent referred to has not brought thi incident to the notice of any magistrate or police officer

(g) The ring is still in the Stationary Sub-Magistrate's Cour as Balarama Reddi declined to take it.

(h) No action is called for as the allegations are reported t be false.

Alleged fraud in respect of a ring seized from Mr. Balarama Reddi of Nellore, a Civil Disobedience prisoner.

* 347 *Q.*—Mr. SAMI VENKATACHALAM CHETTI: Will the hon. th Home Member be pleased to state—

(a) whether it is a fact that one Duvvuri Balarama Reddi wa arrested in Nellore on 23rd July 1932 or thereabouts in connexion wit the Civil Disobedience movement;

(b) whether it is a fact that the Police have taken a ring and mone purse found on the person of Mr. Reddi;

(c) whether it is a fact that a gold ring with an emerald set i was one of the articles thus seized from Mr. Reddi;

(d) whether it is a fact that on his release he complained that th ring returned was not his and that the returned ring was set with a inferior stone;

(e) whether it is a fact that the returned ring did not fit on any c the fingers of Mr. Reddi;

(f) whether enquiries have been made into this complaint;

(g) if so, what the orders passed thereon are; and

(h) whether it is a fact that the Police threatened the press co respondent of the *Associated Press* and *Andhra Patrika* in case h reported the news of the substituted ring?

A.—(a) *to* (h) The attention of the hon. Member is invited to th answer given to question No. 346.

Alleged fraud in respect of the ring of Mr. Duvvuri Balarama Reddi.

* 348 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the hon. th Home Member be pleased to state—

(a) whether Duvvuri Balarama Reddi complained to the Sul Magistrate, the Circle Inspector and the District Superintendent c Police of Nellore that when he was arrested by the Police of Nellor on the 23rd of July, a gold ring of his and a purse among others wer taken possession of by the Police and that when he was released on ba on 26th July 1932, he was not given his own ring and purse, but wa offered cheap substitutes for them; and

(b) whether any enquiry was made in regard to the above complain and if so, with what result?

A.—The attention of the hon. Member is invited to the answer give to question No. 346.

Regulation of professional qualifications and standards

Report of the Special Committee appointed to investigate the extent of defalcations in the Madras Medical Council.

* 349 *Q.*—Mr. V. T. Arasu: Will the hon. the Home Member be pleased to state—

(*a*) whether a Special Committee of the Madras Medical Council has gone into the matter of certain alleged defalcations of the funds of the said Council;

(*b*) whether any report of its findings was submitted by that committee to either the Surgeon-General or the Government; and

(*c*) if a report has been submitted, whether the Government will be pleased to lay it on the table of the House?

A.—(*a*) Yes.

(*b*) Yes; to the President of the Madras Medical Council.

(*c*) Does not arise, as no report has been submitted to Government.

Mr. V. T. Arasu:—" May I know, Sir, whether it is a fact that the special committee appointed by the Madras Medical Council have unanimously reported that the Registrar should also be held responsible for the defalcation? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—" I must ask for notice of the question. I have not yet seen the report."

Education

Permanent appointment to the post of the Assistant Secretary to the Commissioner for Government Examinations.

* 350 *Q.*—Mr. Basheer Ahmed Sayeed: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) whether any permanent appointment has been made to the post of Assistant Secretary to the Commissioner for Government Examinations, and if so, what the rank and cadre of the present incumbent is;

(*b*) whether a statement of all the persons who held the said post ever since its creation and the community to which they belong will be placed on the table; and

(*c*) whether any recommendations have been called for from the Commissioner in regard to the filling up of the vacancy?

A.—(*a*) No permanent appointment has recently been made.

(*b*) A statement [a] of persons who, from the year 1882, held the post of Manager, office of the Commissioner for Government Examinations designated as " Assistant Secretary " in 1922, is placed on the table. Information is not available about persons who held the post prior to 1882.

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[a] Printed as Appendix VIII on page 502 infra.

(c) No. The Assistant Secretary is appointed by the Commissioner for Government Examinations and Government have no need to call for them.

Mr. ABDUL HAMEED KHAN:—" May I ask the hon. Minister why the Government have not appointed any Muslim to this post at any time? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Probably there was no suitable candidate available at the time of appointment. This appointment is made by the Director of Public Instruction."

Mr. ABDUL HAMEED KHAN:—" If a qualified officer is available, will the hon. Minister consider the advisability of appointing him? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The appointment is made by the Commissioner for Government Examinations."

Mr. ABDUL HAMEED KHAN:—" Will the hon. Minister draw the attention of the Commissioner that there is the opinion of this House that the matter should be considered? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I shall communicate this question to the Commissioner."

Mr. ABDUL HAMEED KHAN:—" With his recommendation? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I cannot say that."

Publication of the rules and regulations framed by the Moderation Boards for the S.S.L.C. Examinations.

* 351 *Q.*—Mr. BASHEER AHMED SAYEED: Will the hon. the *Minister for Education and Excise be pleased to state—*

(a) whether the rules and directions framed by the Moderation Boards appointed by the University for the S.S.L.C. Examinations are published by the Government for the information of the schools and the pupils affected;

(b) whether the Government have received complaints that on account of the said directions and rules not being published there has been a good deal of uncertainty as to the correct application of the rules and directions and there is also scope for their misapplication; and

(c) how do the Government propose to rectify this state of affairs?

A.—(a) No; the Moderation Boards decide whether candidates should be declared eligible for University courses. The Government are not concerned with the matter.

(b) The Government have not received any complaints.

(c) Does not arise.

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Excise

Progress of abkari sales.

* 352 *Q.*—Mr. V. T. Arasu: Will the hon. the Minister for Education and Excise be pleased to make a detailed statement regarding the abkari sales so far conducted, and to what extent they have been productive of additional revenue to the Exchequer compared with (1) the current year's budgeted amount, and (2) the accounts for the year 1931–1932?

A.—A statement [a] is appended.

Mr. V. T. Arasu :—" To what do the Government attribute the fall of revenue under item (1)? "

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" Notice, please."

Sale of arrack and toddy shops in the Presidency.

* 353 *Q.*—Mr. A. B. Shetty: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) the amount realized by sale of arrack and toddy shops last year in each district of this Presidency; and

(*b*) the amount for which arrack and toddy shops have been sold this year in each district of this Presidency?

A.—(*a*) & (*b*) A statement [b] is appended.

Excess revenue in 1932–33 on account of rentals of toddy shops.

* 354 *Q.*—Mr. A. Ranganatha Mudaliyar: Will the hon. the Minister for Education and Excise be pleased to state the increase in the total rentals of toddy shops sold for 1932–33, over the figures of the current year and the reasons for it?

A.—The rentals for which the lease of toddy shops for 1932–33 has been sold show an increase of Rs. 42,47,625 (or 51 per cent) over the rentals of the previous lease. The increase is attributed mainly to keen competition among intending bidders on account of the sense of security engendered by the measures taken to prevent picketing, and on account of the large profits realized by the renters during the last lease which was taken on unduly low rentals. It is reported further that the slight improvement in the economic condition noticeable in certain districts has also contributed to some extent to the increase.

Mr. A. Ranganatha Mudaliyar :—" May I know whether the increase is also due to the abolition of the propaganda committee by the Government? "

The hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" It is difficult to say that."

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[a] Printed as Appendix IX on page 603 infra.

[b] Printed as Appendix X on page 603 infra.

Industries

Non-recognition of diplomas granted by the Victoria Jubilee Technical Institute, Bombay.

* 355 *Q.*—Mr. A. B. SHETTY: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) whether the Madras Government are awarding any scholarships to students who prosecute their studies in the Victoria Jubilee Technical Institute of Bombay;

(*b*) whether they refuse to recognize the diplomas granted by this institute; and, if so, why; and

(*c*) whether the diplomas of this institute have been given recognition by other Provincial Governments?

A.—(*a*) Yes. Ten scholarships of the value of Rs. 60 per mensem are awarded.

(*b*) The Government have recognized the following diplomas of the Institute:—

Diploma in Mechanical Engineering.
Diploma in Electrical Engineering.
Diploma in Textiles Engineering.
Diploma in Textile Chemistry.

The question of recognizing the Diploma in Sanitary Engineering is under the consideration of Government.

(*c*) The Government have no information.

Local Self-Government

Instructions to Election Officers regarding the validity of nomination of persons having interest in a co-operative bank where the funds of the local board are invested.

* 356 *Q.*—Rao Bahadur A. T. PANNIRSELVAM: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether it is a fact that in the elections to the District Board of East Godavari, the nominations of some of the candidates were rejected by the Election Officer on the ground that they were directors of a co-operative bank in which the funds of the district board had been deposited;

(*b*) whether it is a fact that on the petitions of one Mr. Pallam Raju and others whose nominations had been thus rejected, the Election Commissioner ordered fresh elections, setting aside the order of the Election Officer and directing the Election Officer to pay the costs of the petitioners;

(*c*) whether the Government have issued any orders setting aside the orders of the Election Officers in similar cases and holding that being a director of a co-operative bank, in which funds of a local board are invested, is no disqualification for election to that local board; and

(*d*) whether the Government propose to issue instructions to all Election Officers in this matter?

A.—(*a*), (*b*) & (*c*) The answer is in the affirmative.
(*d*) The answer is in the negative.

30 Rao Bahadur A. T. PANNIRSELVAM:—" With reference to the
n. answer to clause (*d*), may I know whether it is the idea of Government that the election officers are not likely to repeat the blunder? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" So long as these blunders are reported in the papers, I am sure it will be noticed by all the election officers. It is not proposed to issue orders to these officers, on a point of law."

Rao Bahadur A. T. PANNIRSELVAM:—" For the benefit of these election officers who may not have the opportunity of seeing newspapers, will the Government issue a circular, though not exactly a Government Order? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" No, Sir. Because the whole question depends upon the construction of the law. One judge held that way. Another judge may hold otherwise. Until the matter is settled without doubt, it will not be advisable for the Government to issue any circular."

Rao Bahadur A. T. PANNIRSELVAM:—" Do the Government hold that the procedure of the election officers was illegal apart from the decision of the judge? "

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" We held it to be illegal only on the decision of a judge."

List of district boards, the reconstitution of which is postponed beyond 1st November 1932.

* 357 *Q.*—Rao Bahadur A. T. PANNIRSELVAM: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) the names of the district boards which are not expected to be reconstituted by 1st November 1932;

(*b*) by what dates these boards are expected to be reconstituted; and

(*c*) whether the life of each of these boards will be extended till such dates?

A.—(*a*) The district boards which will not be reconstituted by first November are Ganjam, East Godavari, Kistna, Guntur, Nellore, Chittoor, Cuddapah, Kurnool, Anantapur, Tanjore, Tinnevelly, Ramnad, South Arcot, Salem, Coimbatore, Malabar and West Godavari.

(*b*) All these district boards will be reconstituted before the middle of January 1933.

(*c*) The dates of reconstitution have been tentatively fixed in G.O. No. 4185, L. &. M., dated the 21st October 1932, which will be altered, if necessary, as soon as Collectors report the dates fixed by them for the election of presidents.

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Irrigation

Estimate for the High Level Channel Scheme.

* 358 *Q.*—Mr. K. SINGAM AYYANGAR: Will the hon. the Member for Revenue be pleased to state the estimated amount for the High Level Channel Scheme and whether the work will be commenced before the end of the current year?

A.—Rs. 20,37,250; the works have been started.

Law and Order—General

Order of the District Magistrate, South Arcot, extending protection to the Adi-Dravidas of Mahathu Valkai to take out a procession.

* 359 *Q.*—Mr. M. DEVADASAN: Will the hon. the Home Member be pleased to state—

(*a*) whether the District Magistrate of South Arcot, passed an order L. Dis. No. C-1-472/32, dated 10th February 1932, instructing the local authorities to give protection to the Adi-Dravidas of Mahathu Valkai for taking their procession to Killai sea-shore; if so, whether a copy of the order will be placed on the table of the House;

(*b*) whether the District Magistrate sent instructions to the District Superintendent of Police and Subdivisional Magistrate, Chidambaram, in this matter about the same time; and

(*c*) if so, whether a copy of the instructions will be placed on the table of this House?

A.—(*a*), (*b*) & (*c*) The hon. Member apparently refers to the instructions issued by the District Magistrate of South Arcot to the Subdivisional Magistrate, Chidambaram, on the 8th February 1932 on the principle to be observed in connexion with the procession in question. A copy of these instructions was communicated to the District Superintendent of Police, South Arcot. The Government do not propose to place a copy on the table of the House as the instructions are confidential.

Mr. M. DEVADASAN:—"With reference to the answer to clause (*c*), I find that the instructions are said to be confidential. May I know how long the instructions will be treated as confidential?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I have nothing to add to what I have stated already in the answer, that they are confidential."

Mr. M. DEVADASAN:—"May I know if the stage of treating them as confidential has passed and if they can be placed on the table of the House?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"No, Sir."

Mr. M. Devadasan:—" May I know whether the instructions received from the District Magistrate supported the case of the depressed classes? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—
" They were in the interests of the maintenance of law and order."

Refusal to pass an order under section 144, Criminal Procedure Code, against the caste Hindus of Killai and Panangadu villages.

* 360 *Q.*—Mr. M. Devadasan: Will the hon. the Home Member be pleased to state—

(*a*) whether the Police Circle Inspector of Chidambaram made an inspection of the places, viz., Killai and Panangadu, before 21st February 1932;

(*b*) whether he reported to the authorities on 21st February 1932 that he was prepared to offer protection to the Adi-Dravidas while taking their procession; and

(*c*) whether he invoked an order under section 144, Criminal Procedure Code, against the caste Hindus and others of Panangadu and Killai; and

(*d*) what the reason was for not passing an order against the caste Hindus ?

A.—(*a*) The Government have no definite information as to whether the Circle Inspector made an inspection of these places before 21st February 1932 but it is probable that he did as the Subdivisional Magistrate had asked him for a report on the matter prior to 20th February 1932.

(*b*), (*c*) & (*d*) The Subdivisional Magistrate asked the Circle Inspector to report on the adequacy of the police force available to protect the *Adi-Dravidas* in conducting their procession on 22nd February 1932 against the combined opposition of the caste Hindus and the Muhammadans. The Circle Inspector replied with a request asking the Subdivisional Magistrate to issue an order under section 144, Criminal Procedure Code, against the caste Hindus and the Muhammadans. The Subdivisional Magistrate pointed out to the Inspector that it was useless to issue an order against the caste Hindus and Muhammadans under section 144, Criminal Procedure Code, unless he had sufficient force to give effect to the order. On receiving a telegram from the District Superintendent of Police that no additional force was available, the Inspector informed the Subdivisional Magistrate that the police force available was not adequate. Under the circumstances the Subdivisional Magistrate passed an order under section 144, Criminal Procedure Code, prohibiting the procession passing along the route wanted by the Adi-Dravidas and suggesting two alternative routes, one of which was the route adopted by the Adi-Dravidas last year.

Mr. M. Devadasan :—" I find from the answer that in the district of South Arcot there are not enough police. Is it a fact that in the district of South Arcot there are not enough police officers to meet an emergency? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur :— " I have already given the reply which is on the printed paper. I have nothing to add to it."

Order of the Subdivisional Magistrate, Chidambaram, under section 144, Criminal Procedure Code, against the Adi-Dravidas.

* 361 *Q.*—Mr. M. Devadasan : Will the hon. the Home Member be pleased to state—

(*a*) whether the Subdivisional Magistrate, Chidambaram, passed an order in the evening of 22nd February 1932, the day fixed for procession, against the poor Adi-Dravidas under section 144, Criminal Procedure Code;

(*b*) whether the public street of Killai Thaikal is used by all classes of people;

(*c*) whether the deities of Sri Muhashnam Boovaragava Swami and Bootharajanpettai Perumal are taken along the public street of Killai Thaikal; and

(*d*) what is the distance between the mosque and the public street which was required to be used for the procession of the deity of the Adi-Dravidas ?

A.—(*a*) Yes.

(*b*) Yes.

(*c*) It is reported that on Masi Makam day at Killai deities from Srimushnam, Bhuvanagiri, Chidambaram and other places are taken in procession.

(*d*) The mosque is reported to be by the side of the public street, though not very near. The exact distance is not known.

Mr. M. Devadasan :—" In the answer to clause (*a*), I find that the subdivisional magistrate passed an order under section 144. May I know whether there was a sub-magistrate in Chidambaram competent to pass an order under section 144? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur :— " He may be there. But that does not alter the situation."

Mr. M. Devadasan :—" May I know whether the sub-magistrate of Chidambaram held an enquiry and was ready to pass an order had not the subdivisional magistrate intervened? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur :— " Notice, Sir."

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Police

Alleged looting of the houses of the depressed classes by the Nattars.

* 362 *Q.*—Swami A. S. Sahajanandam: Will the hon. the Home Member be pleased to state whether the houses of the depressed classes in the villages of Eluvankottai, Thennivayal, Egarai, Kallankudy, Mela Kavanavayal, Unjarai, Sarugani, Urameti, Maruthani, were looted by the Nattars between 5th July and 17th July and what steps were taken by the Police and the Magistrate to prevent the occurrences?

A.—The houses of the depressed classes in the villages mentioned were not looted by Nattars between the 5th July and the 17th July 1932.

On 5th July 1932 there was a disturbance at Eluvankottai. A report was received in the Devakottai police station at 3 p.m. on 5th July 1932 from the Rev. V. J. Chelliah, American Mission Pastor, Sethur, to the effect that two persons informed him that Nattars of Eluvankottai and other villages had entered the 'paracherri' of Eluvankottai and dacoited the place carrying off all their cattle, vessels and other movable property at about 10 a.m. on that day. This was registered under section 395, I.P.C., in Crime No. 56 of 1932 of Devakottai station. The Station House Officer and the Inspector of Police went to the village the same evening and were engaged the whole night in investigating the case. The following day the District Superintendent of Police, Ramnad, and the Deputy Superintendent of Police, Sivaganga, visited the village and made enquiries. The Joint Magistrate, Devakottai, who happened to be away at the time inspected Eluvankottai on the 9th July and made enquiries in this village and the neighbourhood. The police have charged 16 Nattars of Eluvankottai and other villages under sections 147, 323 and 436, I.P.C.

On 5th July 1932 shortly before the receipt of the Reverend Chelliah's report referred to above, one Kaliyan of Melakavanavayal reported to the Station House Officer, Devakottai, that some Nattars had come to his house, beaten his women-folk, scattered the household goods and gone away. Enquiry by the police showed that there was no truth in the allegation.

At 6 p.m. on 6th July 1932 the Station House Officer, Devakottai, received a letter at Eluvankottai from the Reverend Chelliah that he had heard that Nattars and Valayars of Velangulam and other villages had committed dacoity at Nachankulam, Vettivayal and Kottavayal the previous night. Enquiries by the police showed that there was no truth in the information.

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On 7th July 1932 the Station House Officer, Devakottai, received a letter at 3 p.m. at Devakottai, signed by Arul Jeevaraj and others, dated 6th July 1932, that they had received information that the Nattars had collected in Nagadi to loot Kallangudi and asking for necessary assistance. The police enquired into the matter after registering a case No. 58 of 1932, and found the case false.

At 7-30 p.m. on 7th July 1932, one Karuppan of Paramakudi complained at the police station that the Nattars had looted the houses of Pallars and Parayas in the village. Two police constables were sent at once to the village. The Sub-Inspector of Police proceeded to the spot the same night and the Circle Inspector followed early next morning. A case was registered by the police under sections 147, 448, 379 and 352, I.P.C. (Crime No. 57 of 1932), but on investigation it was found to be false. On 7th July 1932, a letter was received by the Station House Officer from Vedamanickam, an American Mission delegate, on behalf of the Adi-Dravidas, that there was a ' widespread talk ' that the Nattars were going to assemble at Ekarai to organize further dacoities and that it was reported on ' hearsay ' that the villages of Idayankulam and Moyunvayal had been looted the previous night. Investigation by the police showed that there was no truth in the information.

No other occurrences were brought to the notice of the local authorities.

A picket of one head constable and six contables were located at Eluvankottai Adi-Dravida quarters from the 5th to the 7th July, one head constable and two constables from the 8th to 14th and two constables from the 15th. A daily beat was also instituted at Unjanai and other villages in the affected area from 13th July 1932.

Rao Sahib V. I. MUNISWAMI PILLAI :—" May I know, Sir, how many persons were brought to book on account of the enquiries by the Police ? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :— " The information is given in the statement that I made to the House the other day."

Alleged ill-treatment of the depressed classes by the Nattars of Devakottai.

* 363 *Q.*—Swami A. S. SAHAJANANDAM : Will the hon. the Home Member be pleased to state—

(*a*) whether the Government will be pleased to place on the table the report, if any, made to the Government as the result of the action taken on the resolution passed in 1931 by this Council for appointing a committee to enquire and report about the atrocities committed by the Nattars of Devakottai subdivision on the depressed classes;

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(*b*) whether a deputation consisting of Messrs. Swami Sahajananda, Rao Sahib V. I. Muniswami Pillai, M. Devados, Members of this Council waited on His Excellency the Governor in August 1931;

(*c*) whether any memorial was received by the Government regarding the looting of Nattars in Devakottai subdivision in the first half of July 1932;

(*d*) whether any petition was sent to him before 1st July 1932 praying for protection from the Nattars;

(*e*) whether telegrams and petitions were received by the Sub-Collector from the Adi-Dravidas before 7th July praying for protection;

(*f*) whether the houses of the Adi-Dravidas in the villages of Tirumainvayal and Sirumaruthur were looted by Nattars after the return of the Sub-Collector from leave;

(*g*) whether the District Superintendent of Police was present in the police station of Devakottai on the night of 6th July;

(*h*) whether a bundobust petition was presented stating that the Adi-Dravida houses of Kallangudi were going to be looted on 7th July 1932;

(*i*) whether two telegrams at 11-30 a.m. and 1-30 p.m. on 7th July 1932 were received by the District Magistrate, Ramnad, informing him that Kallangudi was to be looted;

(*j*) whether the houses of Adi-Dravidas of Kallangudi were looted at 3-30 p.m.

(*k*) whether the houses of Adi-Dravidas of Paramakudi and Pavanakottai were looted on the same day;

(*l*) if the fact of looting mentioned in clauses (*j*) and (*k*) be true, why did not the District Superintendent of Police and the District Magistrate take steps to prevent the occurrences;

(*m*) whether any resolution was received from the President, Self-Respect Conference, Karaikudi, in the second half of July 1932 relating to Nattar-Adi-Dravida trouble in Devakottai division; and

(*n*) what action was taken by the Government on the resolution?

A.—(*a*) The attention of the hon. Member is invited to the statement of action taken by the Government on the resolution passed in August 1931 which was laid on the table of the House on 2nd August 1932.

(*b*) Yes.

(*c*) The Government have received a petition, dated 18th July 1932, on the subject.

(*d*) No.

(*e*) One telegram was received in the Sub-Collector's office on the 6th July. The Sub-Collector was on casual leave and the Special Deputy Collector, Manamadura, who was in charge, sent the police to the spot.

(*f*) No.

(*g*) Yes; the District Superintendent of Police, Ramnad, was present in and near the police station at Devakottai from about 7-30 to 9 p.m. on the evening of the 6th July 1932.

(*h*) No such petition was presented to the District Superintendent of Police. When the District Superintendent of Police was at the hospital near the police station at about 9 p.m. one Vēdamanikkam, an American Mission catechist, came and spoke to him about the beating of the Adi-Dravidas. At the same time an Adi-Dravida came with a petition addressed to the Sub-Inspector that an old man who was chased by the Nattars at Eluvankottai the previous day was missing. The District Superintendent of Police directed the Sub-Inspector to deal with the petition. An entry was made of this in the general diary and on enquiry the missing man was traced.

(*i*) A telegram was received in the District Magistrate's office on 7th July 1932 at 2-45 p.m. when the District Magistrate was in camp. The Treasury Deputy Collector immediately asked the Joint Magistrate, Devakottai, to wire the situation about the Adi-Dravida-Nattar trouble. No other telegram was received that day about Kallangudi.

(*j*) The attention of the hon. Member is invited to the answer to question No. 362.

(*k*) No.

(*l*) Does not arise.

(*m*) No.

(*n*) Does not arise.

Alleged ill-treatment of the depressed classes by the Kallars of Devakottai.

* 364 *Q.*—Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR : Will the hon. the Home Member be pleased to state—

(*a*) whether the villages of Eluvankottai, Natchangulam, Vettivayal, Melakavanavayal, Perandaivayal, Kottaivayal, and Thennaivayal were looted on the 5th instant, and the villages of Idayangulam and Moyanvayal were looted on the 6th instant, and the Adi-Dravida women in the two latter villages raped by the Kallars;

(*b*) whether the village of Kallangudi was looted on the 8th instant, in spite of the fact that the Adi-Dravidas informed the Police on the 6th that the looting of Kallangudi was impending; and

(*c*) what action the Government have taken or propose to take concerning the above acts of violence and outrage and to secure ordinary protection to the depressed classes in the areas concerned?

A.—(*a*), (*b*) & (*c*) The attention of the hon. Member is invited to the answer to question No. 362.

It is reported that there was no raping of Adi-Dravida women by Kallars and no complaint of any such offence was made to the police.

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Alleged oppression of the depressed classes of the Devakottai Subdivision by the Nattars.

* 365 *Q.*—Rao Sahib V. I. MUNISWAMI PILLAI : Will the hon. the Home Member be pleased to state—

(*a*) whether the Police Department or the District Magistrate reported several acts of oppression such as assaults and dacoities by Nattars against the depressed classes of the Devakottai subdivision during the past six months;

(*b*) if the answer to clause (*a*) is in the affirmative, what the Government did in the matter; and

(*c*) whether the Government received any reports from the Adi-Dravidas of Devakottai about the ill-treatment or whether the Government came to know such things through the newspapers of the recent atrocities alleged to have been committed on these Adi-Dravidas?

A.—(*a*) & (*b*) The District Magistrate reported some trouble between the Nattars and depressed classes in the middle of July. The attention of the hon. Member is invited to the information laid on the table of the House in connexion with question No. 155.

(*c*) The Government have seen some newspaper reports and have also received a petition, dated 18th July 1932, on the subject. The attention of the hon. Member is invited to the answer to question No. 362.

Alleged beating of police constables by the Nattars of Eluvankottai.

* 366. *Q.*—Swami A. S. SAHAJANANDAM : Will the hon. the Home Member be pleased to state—

(*a*) whether the police constables were beaten by the Nattars on 17th June 1932 at Eluvankottai during the car festival in the presence of the Subdivisional Magistrate of Devakottai;

(*b*) whether there was any retaliation by the police;

(*c*) whether the Subdivisional Magistrate was bodily carried away by Nattars to a distant place on that occasion;

(*d*) whether any step was taken to punish the Nattars if the answers to clauses (*a*) and (*c*) are in the affirmative; and

(*e*) how many telegrams and petitions were received by District Magistrate of Ramnad, Subdivisional Magistrate of Devakottai, District Superintendent of Police, Ramnad, from 5th July to 16th July regarding the atrocities of Nattars and how were they disposed of?

A.—(*a*) There was no festival on the 17th June 1932 at Eluvankottai. There was a festival there on 19th May and one at Kandadevi on 17th June. The police were not roughly handled on either occasion.

(*b*) Does not arise.

(*c*) The Subdivisional Magistrate was present at the Eluvankottai festival and was not carried away by anyone. He was not present at Kandadevi.

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(*d*) Does not arise.

(*e*) *Telegrams.*—While the District Magistrate was in camp two telegrams were received in his office on 6th July 1932 in regard to the alleged disturbances. They were at once communicated to the District Superintendent of Police, Ramnad, and he was asked by wire to investigate the matter. Again on 7th July 1932 two telegrams were received in the District Magistrate's office from Arasan and another from Alagan. The allegations were telegraphed to the Joint Magistrate, Devakottai, immediately and a report on the situation by telegram was also called for. On 8th July 1932 another telegram was received in the District Magistrate's office from Alagan about the alleged looting at Paramakudi, Pavanakottai and Tirumanavayal and about the alleged silence of the police. The District Magistrate got information from the District Superintendent of Police by telegram on 8th July 1932 that there was nothing serious in the situation, that Eluvankottai was quiet and that the matter was under investigation. The Joint Magistrate, Devakottai, also wired to the District Magistrate on 8th July 1932 that the Adi-Dravidas' telegram was a gross exaggeration, that there was no looting, but only a small fracas at Eluvankottai and that the police were investigating the matter.

One telegram was received by the Joint Magistrate, Devakottai, on 6th July 1932 and two by the District Superintendent of Police, one on 6th July 1932 and the other on 7th July 1932.

On 6th July the Joint Magistrate was on casual leave and the Special Deputy Collector at Manamadura who was in charge immediately asked the police to go to the spot. The attention of the hon. Member is invited to the answer to question No. 362.

Petitions.—On the 8th July a petition was received by the Joint Magistrate, Devakottai, from Karuppan and Arumugam to the effect that the Nattars had plundered Adi-Dravidas' houses in Eluvankotai. On the 10th July another petition was received by the Joint Magistrate from the Adi-Dravidas of Eluvankottai and Kannangudi to the effect that they apprehended looting in a number of villages.

On 8th July the District Magistrate received a petition from Karuppan and Arumugam about the disturbance at Eluvankottai and the anticipated trouble from Nattars in other villages and another on the 11th July from Subhan and Kaliyan to the effect that the Nattars had looted the properties of Adi-Dravidas, raped some of their women and prevented their conversion to Christianity by the American Missionaries with a view to perpetuate their

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slavery in villages. On the 12th July he received a third petition from the Adi-Dravidas alleging that the Joint Magistrate himself set up the Nattars against them.

On enquiry it has been ascertained that the allegations in the petitions are untrue or grossly exaggerated.

Provincial Finance

Utilization of the excess revenues anticipated during the current year.

* 367 *Q.*—Mr. T. S. Ramaswami Ayyar : Will the hon. the Member for Finance be pleased to state—

(*a*) whether it is a fact that a surplus of over 60 lakhs of rupees is expected in the actual revenues of the current year over the budget estimates ;

(*b*) what are the Government's proposals regarding the utilization of this surplus ;

(*c*) whether the Government will give the Legislative Council an opportunity of discussing the proposals before any portion of the amount is spent ;

(*d*) whether any portion of the surplus is to be utilized for the reduction of the incidence of land-tax in this province ;

(*e*) whether it is a fact that prices of agricultural produce have fallen much below the average level of prices which was taken as the basis for fixing the rates of land-tax at the settlements ;

(*f*) for how many years the prices have been at this low level : and

(*g*) whether the Government are proposing to give any relief to the agriculturists in regard to land-tax and if so to what extent ?

A.—(*a*) Yes.

(*b*) A portion will be utilized for meeting demands for supplementary grants. The utilization of the remainder is under the consideration of Government.

(*c*) The Council will have an opportunity to discuss the proposals so far formulated when demands for supplementary grants of which notice has already been given are moved in the Council. A further opportunity will occur if further demands for supplementary grants are moved.

(*d*) & (*g*) No such proposal is before the Government.

(*e*) & (*f*) The Government have at such short notice been able only to compare the price in 12 districts of second sort paddy for September 1932, with the prices on which the current settlement of wet rates in those districts was based, i.e., the prices as worked out at the previous settlement plus the percentage imposed at the current settlement. A table (1)[a] giving the results is

[a] Printed as Appendix XI on page 504 infra.

appended. In no case is the price in September 1932, below the prices on which the current settlement is based.

Mr. T. S. RAMASWAMI AYYAR :—" May I know, Sir, if the Legislative Council has not, on more than one occasion, brought to the notice of the Government the need for the reduction of the incidence of the taxation on land ? "

The hon. Mr. H. G. STOKES :—" I am much obliged for the hon. Member for the information."

Mr. A. RANGANATHA MUDALIYAR :—" May I know how much out of this amount of Rs. 60 lakhs and odd represents the increase in the land revenue and how much the increase in the Excise revenue ? "

The hon. Mr. H. G. STOKES :—" The bulk of it is from Excise. If I am asked to give exact figures, I must ask for notice."

Mr. T. S. RAMASWAMI AYYAR :—" May I know, Sir, if it is not a fact that at every budget session a cut is passed in the Land Revenue Demand, so much so that it has become a hardy annual ? "

The hon. Mr. H. G. STOKES :—" I am much obliged to the hon. Member for his information."

Mr. V. T. ARASU :—" May I know whether the Government have any proposals now before them of restoring the salary cuts ? "

The hon. Mr. H. G. STOKES :—" No, Sir."

Mr. T. S. RAMASWAMI AYYAR :—" May I know if Government have not received representations from various districts that there is need for the reduction of the land-tax ? "

The hon. Mr. H. G. STOKES :—" I am not aware of any, Sir, and I think the question should be addressed to my hon. Colleague, the Revenue Member."

Mr. T. S. RAMASWAMI AYYAR :—" May I know, as regards the answer to clause (*f*), what the price of Kuruvai paddy to-day is in the Tanjore district ? "

The hon. Mr. H. G. STOKES :—" Notice."

Mr. V. T. ARASU :—" May I know, Sir, whether the Government are considering, or have ever considered, that they should restore the salary cuts of their non-gazetted services from April 1933 ? "

The hon. Mr. H. G. STOKES :—" As the hon. Member is aware, under the existing Act, the salary cuts will have to be restored in April next. The Government will consider the question when the time comes to consider the Budget."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR :—" May I know, Sir, so far as the Ceded districts are concerned, whether in view of the frequent famines which occur there, the agriculturists will not be afforded relief out of the surplus ? "

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The hon. Mr. H. G. STOKES :—" *I am not aware of any famine* at the present time in the Ceded districts."

Mr. T. S. RAMASWAMI AYYAR :—" May I know whether the price of paddy in the delta districts is about one rupee per kalam ? "

The hon. Mr. H. G. STOKES :—" Notice."

Mr. T. S. RAMASWAMI AYYAR :—" May I know if the settlement rates were not fixed on the basis that paddy was selling at Rs. 1-12-0 a kalam ? "

The hon. Mr. H. G. STOKES :—" Notice."

Mr. V. T. ARASU :—" May I know whether it is not a fact that according to the Budget Manual, the Madras Government have got to frame their Budget Estimates in October and therefore, whether the Government have already decided that for the coming year's Budget they should make provision for the restoration of the cut in the salaries of their officers ? "

The hon. Mr. H. G. STOKES :—" I am not aware of any such rule."

Mr. YAKUB HASAN :—" With reference to the reply of the hon. the Finance Member thanking the questioner for the information given to him, may I know whether this is the first time that he got this information, or he knew it already ? "

The hon. Mr. H. G. STOKES :—" I seem to have recollections of what the hon. Member stated."

Mr. V. T. ARASU :—" Arising from the answer of the hon. the Finance Member, may I know as to when the Madras Government frame their Budget Estimates for the coming year, in which month ? "

The hon. Mr. H. G. STOKES :—" They are usually framed in January and February."

Mr. V. T. ARASU :—" May I know when they receive the estimates from the heads of departments ? "

The hon. Mr. H. G. STOKES :—" Which estimates, Revised Estimates or Budget Estimates ? "

Mr. V. T. ARASU :—" Budget Estimates."

The hon. Mr. H. G. STOKES :—" The Budget Estimates are, I think, sent some time in November and December."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR :—" May I know, Sir, whether the Bellary district this year has had more rain, and it is also likely to suffer from famine on account of excessive rain? "

The hon. Mr. H. G. STOKES :—" I am very glad to hear that the Bellary district has received rain."

Mr. ABDUL HAMEED KHAN :—" Has the hon. Member considered the advisability of using the surplus in restoring the salaries of non-gazetted officers ? "

The hon. Mr. H. G. STOKES :—" In due course when the Budget comes to be framed, the various alternative ways of using the surplus will be carefully considered."

[*Note*.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

NON-OFFICIAL BUSINESS—.

II.—THE MADRAS MARUMAKKATTAYAM BILL.

Clause 35.

The discussion on Mr. Raman Menon's amendment[a] was then resumed.

B. POCKER SAHIB Bahadur :—" I have only to add a word more to what I said yesterday, Sir. I was just pointing out that even though the present state of the law as regards maintenance to which the junior members of the tarwad are entitled is exactly as stated by my hon. Friend, Mr. Raman Menon, we have also to take into account the consciousness of the people so far as this matter is concerned. I am sure he will have to concede that the consciousness of the people goes far beyond than even what has been so far recognized by the courts of law in this matter. In fact, I can say without any fear of contradiction that the general feeling in the country is that out of the income of the tarwad properties some proportion, a decent proportion, may be left to the karnavan for his maintenance and for the management of the tarwad, and the rest of the net income should be divided among the junior members. There is a very considerable number of people who are in favour of such a view. And I can say that if the general sense of the people is to be taken on this matter a very large bulk of the people, a very big majority, will be in favour of such a view, and that feeling is growing every day. In fact there are many people who complain that the Bill as has been drafted now does not make any provision for such a change. At any rate in view of the existence of this consciousness on the part of the people, certainly it will be a very retrograde step to accept the amendment of my hon. Friend, Mr. Raman Menon, to insist on the junior members of the tarwad to reside in the tarwad house or to reside out of the tarwad house for a proper purpose in order that they may be entitled to maintenance. Not only that, if the amendment of my hon. Friend is carried, it will lead to innumerable difficulties as to what is a proper purpose and what is not a proper purpose. As has already been pointed out, under the new law which we are enacting

[a] '*In clause* 35, omit *the words* " *whether living in the tarwad house or not* " *and add a proviso as follows* :—

" *Provided that residence outside the tarwad house shall not disentitle a member of a tarwad from his or her maintenance if such residence is for a proper purpose.*" '

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now, a person is entitled under certain circumstances to claim partition of the properties, it is very unreasonable to deny him some share of the income of any land whatsoever. So, I oppose this amendment."

Mr. ABDUL HAMEED KHAN:—" Mr. President, I think the object of this Bill is to come to the rescue of the other members of the tarwad than the karnavan, but it seems to me that in this amendment, Mr. Raman Menon, who has got a reputation for coming to the rescue of such persons as do need help, is trying to slip in a clause which will certainly undo the object for which the Bill has been brought forward, by preventing other members of the tarwad than the karnavan from being entitled to maintenance in case they reside outside the tarwad house. This is certainly a procedure which will be disastrous to the persons concerned. As a matter of fact, we know that nowadays Malayali gentlemen are known to be going about the whole world. They are a race which has not been sticking to a place. We find them all over the world. When such is the case, the object of Mr. Raman Menon's amendment will be that all the gentlemen who have gone abroad or even out of the tarwad house in some cases will have to go back, and I am not sure whether there will be sufficient room in the house to accommodate all the members of the family. Such being the case, I am afraid that the object of the Bill will be defeated if this amendment is passed."

* Mr. K. P. RAMAN MENON:—" Sir, this time though I am alone in advocating this amendment, I shall not be disheartened. Well, Sir, it has been pointed out that it is rather illogical to say, if as a matter of fact the members of a joint family, that is to say, the anandravans are equally entitled to the shares in the family properties with the karnavan how can they be entitled to equal proprietary rights with reference to the profits of the properties? I can very well understand the logic of it. If I am illogical, I am illogical with the High Court of Madras. The law as summed up by me yesterday was accepted by all concerned, and they all agreed that so far as Madras High Court is concerned they say that the anandravan is entitled to maintenance and that although he is a co-proprietor, he is not entitled to maintenance if he is residing outside the tarwad for improper purposes. That is the view taken by the High Court, and if I err, I err in good company, and I am not at all sorry that I err at all.

5 " There are very many illogical positions in law as explained by Mr. Justice Sadasiva Ayyar in one of his leading judgments. So that we need not look so much into the logic of it. There is another matter which perhaps has escaped the attention of the gentlemen opposite. You are declaring a law for the *Marumakkattayam people*. The law hitherto is admittedly the other way. The legislation proposes that persons residing outside the tarwad even for improper purposes are entitled to maintenance. By so legislating you make it possible for an anandravan residing outside for improper purposes to sue for maintenance; and be it remembered that he can sue for the past 12 years arrears. Are you not by this piece of legislation burdening these tarwads to that extent? Are you not lending the karnavan an instrument by which he can destroy the tarwad? Supposing the anandravan who has been

residing outside the tarwad sues and gets a decree for maintenance for the past 12 years it is within the competence of the karnavan to raise a loan saying 'here is a decree which has been passed and so I have raised a loan.' Practically you will be now burdening these tarwads. As the law now stands, the anandravan never thinks of claiming anything from the tarwad if he is residing outside the tarwad for a purpose which is improper. If this law is passed he will claim the arrears for 12 years and all over Malabar such arrears will come to lakhs and lakhs of rupees. That will not be a handicap to the karnavan but only to the tarwad. He can easily escape the personal liability by mortgaging the tarwad property. That is another aspect to be considered in legislating not only with regard to the future but with regard to the past also. This aspect of the matter evidently has not been thought of. You can limit these liabilities to a certain extent and that is what I ask you to do. My amendment is very simple. I say that a man who has been residing outside the tarwad for a purpose which does not commend itself to an enquiry should not be allowed to claim arrears from the tarwad. He may hereafter be entitled. So far as the arrears are concerned there is a great deal of danger in allowing it as the tarwad will suffer on that account."

The amendment was put and lost.

Clause 35 was put and carried and was allowed to stand part of the Bill.

Clauses 36 and 37 were put and carried and allowed to stand part of the Bill.

Clause 14.

Clause 14 was then taken up for consideration.

Rao Bahadur T. A. Ramalingam Chettiyar:—" I move—

' *that the following be added at the end of clause* 14:—

" *Provided further that this section shall not apply to the ladies belonging to the tarwads mentioned in the schedule annexed to this Bill and their children who live in their own tarwad houses and not with their husbands.*" '

" Sir, so far as clause 14 is concerned we have looked into the matter and found that the amendment in the terms in which I have put it is necessary for this reason. There are certain families in which, Sir, the husband is a Nambudri gentleman belonging to a respectable tarwad and he lives in his own tarwad, while the ladies live in their own tarwads. In such cases there is no sort of living together which is ordinarily seen when the husband is the husband of the wife. Here is an instance where the husband and wife live in different residences and different tarwads and so it will be difficult to make the husband the guardian of the person and property of the wife in certain cases. I have drafted the amendment so as to be in consonance with the progressive tendency of the wives. If they live together the husband will be the guardian. I restrict it also to those cases where the husband and wife do not live together but live in tarwad houses. I hope this amendment will be accepted."

Mr. R. M. Palat:—" I second it."

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* Mr. K. P. RAMAN MENON :—" I am afraid Mr. Ramalingam Chettiyar has a mistaken impression about the scope of this amendment. Turning to clause 14 of the original Bill it refers only to properties which the minor gets not through the tarwad but otherwise. The clause runs thus: When the wife has minor children by a former husband who is deceased or divorced, she shall be the legal guardian in respect of their person as also of the separate properties appertaining to them. So that if there is any property owned by a minor wife, the husband is the guardian with respect to the person of the minor wife. Again with reference to the property of the children the clause provides for the father being the guardian of his children's personal property but not of the tarwad property. The proviso says: Provided that such guardianship shall not extend to the right and interest of his wife or children in any property to which they may be entitled other than that given by him to such wife or children. If this is carefully considered it will be seen that all that this clause aims at is to invest the husband with the guardianship of the person of his wife. Similarly we invest the father with the guardianship of the person of his child and also the property of the child. It does not interfere with the tarwad at all, nor with the internal affairs or with the inchoate interest of the minor in the tarwad properties. I fail to see what objection there could be for the husband to be guardian of the person of his wife. I do not think anybody will question that the husband is the proper guardian of the minor wife. When the property is the gift of the father himself or the gift comes from outside the tarwad there is no reason why a person who is most interested in the child, that is to say, the father should not be its guardian. The clause scarcely interferes with the integrity of the tarwads whose interests evidently are at the back of the hon. Member's mind. I request my friend to withdraw this amendment."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR :—" I am sorry, Sir, the hon. Member from Malabar has quite misunderstood my position. I was never under the impression that it would affect the tarwad property. From the facts of the case, namely, that the lady and husband were not living together and very often it so happened that the husband was not a person who can be put in charge of the person and property of the lady it is safe to say that the husband should not be the guardian of the person or the property of the lady or children. That is what I said. I was not under any misapprehension whatever in this matter. We have to see the position as it is. I quite agree where there is a regular marriage and the husband and wife live together the husband is the person who is most interested in his wife and children and may look after them. What really obtains in this case is not that. He can have his own Nambudri wife and live with her in his own illom. He will not be in touch with the wife in the tarwad or children. They will be living under the protection of the karnavan in the tarwad. Such being the case, I do not see how a person who is living outside, and almost a stranger should be construed as the guardian of either the person or the properties of the minor! Then, my friend says property may be property given by the husband. In several cases properties are given by uncles. Such being the case these properties will come

under the clutches of these so-called husbands. That will be a dangerous state of affairs to give these people who are living outside, a sort of control over the properties of these minors, and when these people become majors they will find that the law has only cheated them of their properties. We are after all providing, Sir, for only a very small number of cases it may be. Such cases are those in which the ladies are minors. But in the case of children it will be very much worse. Children may get their properties from mothers, from other relations, or they may get properties in other ways. If all these are to come into the hands of the husbands who are not living with their wives and children, it will be very dangerous. It is in that sense that I gave notice of this amendment. I hope in view of the explanation Mr. Raman Menon will revise the opinion he has expressed."

The amendment was put and carried.

Clause 14, as amended, was put and carried and was allowed to stand part of the Bill.

New clause after clause 37.

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—" Sir, I beg to propose the amendment standing in my name, viz.—

> ' *In chapter VI before clause* 38, add *another clause as follows*:—
>
> " 37-*A*. *The properties belonging to the tarwads mentioned in the schedule hitherto annexed shall be impartible.*" '

" The reason which prompted me to give notice of this amendment was that this Bill makes a change with reference to partition. Ordinarily, the Malabar tarwads are not partible. It is only under certain circumstances they become partible. Now, we are introducing for the first time a rule whereby the old state of things is changed and the tarwads become ordinarily partible and under certain circumstances impartible. With reference to important families which I have mentioned and which are the leading families in Malabar, so far as I can ascertain, the present rule may continue subject however to the view prevailing in the country that this change may be made. If two-thirds of the people who form the members of the tarwad for the time being want a change, they may have it. That is the change I want to introduce by this amendment after due consideration and in consultation with those members who are interested in Malabar and who are agreed upon it. So, Sir, I make this motion with a view to allow the other motion to be made here, so that the two may go together and meet the view of the people."

Mr. R. M. PALAT:—" The fresh amendment to which the hon. Member referred of which I have given notice, is to be moved later on under clause 43, and it cannot come in here."

* The hon. the PRESIDENT:—" Mr. Palat has given notice of an amendment under clause 37-A."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I believe that my hon. Friend, Mr. Ramalingam Chettiyar, will be kind enough

to withdraw his amendment. I suppose he has no objection to the amendment of which Mr. Palat has given notice and of which copies have now been circulated. Mr. Palat has given notice of his amendment as an independent one and not as an amendment to Mr. Ramalingam Chettiyar's amendment. Thus, if my hon. Friend withdraws his amendment, Mr. Palat may move his amendment."

* The hon. the PRESIDENT:—"Does Mr. Ramalingam Chettiyar withdraw his amendment?"

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Yes, Sir."

The amendment was, by leave, withdrawn.

* The hon. the PRESIDENT:—"The amendment[a] of Mr. Palat under clause 37-A already given notice of cannot be moved now, in view of his fresh amendment to be moved later on."

Clause 38.

B. POCKER SAHIB Bahadur:—"Sir, my amendment is—

'Insert *the following after sub-clause* (2) *of clause* 38 *before the explanation thereof*:—

"(3) *For the purposes of this chapter, every tavazhi shall be deemed to be in possession of all tarwad properties jointly with all the other tavazhis constituting the tarwad.*"'

"Sir, the object of moving this amendment is to facilitate the suits for partition under this chapter. No doubt, the physical possession of the property may be with the karnavan or for the matter of that with the tenants. When a partition suit is brought, defences may be raised that the tavazhis have been living separately and so they were not in possession of the property. If such a defence is allowed, it may lead to prolongation of the suit and to great difficulties, and the principle on which this chapter is enacted, namely, to facilitate the partition of tarwads into tavazhis will be defeated. As there are tavazhis who have been living away from the tarwad for a long time and who perhaps have not had an opportunity of getting karnavanship for a long period, in order to prevent such defences being raised that they are not entitled to partition and in order to facilitate the partition of tarwads into tavazhis under the provisions of this chapter, I move this amendment, and I hope hon. Members of this House will help the partition of the tarwads into tavazhis by accepting this amendment."

* The hon. the PRESIDENT:—"The amendment falls through for want of a seconder."

Mr. U. C. SUBRAHMANYA BHATT:—"I second it."

* The hon. the PRESIDENT:—"If the hon. Member seriously wanted to second it, he must have been more alert."

Clause 38 was put and carried and was allowed to stand part of the Bill.

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[a] *37-A. The properties belonging to the tarwads mentioned in the schedule hitherto annexed shall be impartible.*

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Clause 39.

* Mr. A. B. Shetty:—" Sir, I move—

' For *clause* 39, substitute *the following*:—

" 39. *Any member of a tarwad who has changed his or her religion may claim or be compelled by any other member of the tarwad to take his or her share of maintenance out of the tarwad income and separate from the tarwad until he or she becomes entitled to claim his or her share of the tarwad properties in accordance with what is provided in section* 38 ".'

" Clause 39 of the Bill provides that a person who changes his religion may claim his share or it should be open to any member of the tarwad to compel such person to take his share of the tarwad property and separate from the tarwad. This is a clause introduced during the meeting of the Select Committee. This does not find a place in the original Bill, as introduced by Mr. Nambiyar. I do not find any provision similar to this either in the Travancore Nayar Regulation or in the Cochin Nayar Regulation. This clause, Sir, gives an additional right to people who become converts to another religion, and it offers an inducement, so to say, for people to change their religion with the hope of getting their share of the tarwad properties even before they are entitled to claim it according to provisions contained in section 38. The clause as it stands now speaks of change of religion. I wish to know what exactly is meant by the words ' change of religion.' If a person becomes a Buddhist or an Arya Samajist, will it be open to him to take advantage of this provision in the Bill and claim a share out of the tarwad property even before he is entitled to claim it according to section 38? If this clause as it stands in the Bill is to be retained at all, it should make clear as to what the expression ' religion ' means. It is better to use the word ' caste ' or specify the religion separately. I would like to know whether this clause would be applicable to persons who marry outside the caste without changing their religion. Suppose a Nayar marries a Tiyya lady. Can he take advantage of this provision and claim a share? I suppose this clause has been put in with a view to meet the difficulty that may arise if some member of the tarwad becomes a Muslim or a Christian. If a person becomes a Muslim or a Christian, he cannot occupy the office of karnavan and discharge the religious and secular duties pertaining to that position. The other members of the tarwad may have prejudice against allowing him to remain in the family house and eat with them. This difficulty can be avoided by giving the convert separate maintenance. The amendment which I am moving now provides that a person who changes religion may claim his or her share of maintenance or be compelled to take his or her share of maintenance and to separate from the tarwad, but he or she shall not get any additional right of claiming partition. The convert must wait till he or she is entitled according to the provisions of section 38 to claim a share of the tarwad properties. Either this amendment should be accepted, or clause 39 should be omitted from the Bill. There

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is no necessity for this clause. For, the Caste Disabilities Act provides ample protection for people who change their religion. Persons who change their religion do not forfeit their rights in the family property. No additional privilege need be given to them. I am moving this amendment because several people feel that the clause as it stands in the Bill makes a provision that is unnecessary and undesirable and that the giving of separate maintenance will meet the needs of the case."

Mr. U. C. SUBRAHMANYA BHATT:—"I second it."

-15 m. * Mr. K. P. RAMAN MENON:—"I am compelled to oppose this amendment. Mr. Shetty in his opening remarks said that this provision was not found in the Bill introduced by Mr. Nambiyar. Mr. Shetty would also remember that we in the Select Committee of which he was a very useful member considered both the Bills together, i.e., Mr. Nambiyar's Bill and Mr. Palat's Bill; and in Mr. Palat's Bill there is a provision about this in clause 9. So that it was only after the question was discussed fully by us that we came to a decision on this point. Now what is the effect of this amendment? Let Mr. Shetty ponder over it a little if I can so ask him to do. He will find that the tarwads would be put on the horns of a dilemma. It comes to this: a person who changes his religion might remain in the family and inflict himself on the other members of the tarwad much to their repugnance and claim maintenance until he becomes qualified for his share under section 38. What we wanted was, and what clearly is the logical position, is this. There is the Caste Disabilities Act which certainly declares that no person can lose his rights or lose any of his claims on property by his or her mere change of religion, so that those rights that inhere in a man or a woman on account of his birth are protected. What are the rights of a member of a Marumakkattayam family? His right hitherto was a right to claim maintenance. The right that is now conferred on him is in conjunction with other members of his own tarwad he has got a right to claim partition. We are solicitous to the man who out of conviction has changed his religion. We are also solicitous to the sentiments of the other members of the tarwad by stating that a man who so changes his religion may with the concurrence of the other members of his tarwad claim a share for himself. Now, my friend, Mr. Shetty, apprehends from this that it may give an inducement to people to change their religion. I believe, Sir, that reason for changing one's religion is not usually based on momentary considerations; change of religion comes from the change of heart. (Mr. Shetty: 'Not always.') But not from low motives. At any rate that has been my impression hitherto; I shall be only sorry if that impression is wrong. But we need not be very solicitous about people who change their religion not because of conviction but on whims and fancies. Anyhow the result of the amendment of Mr. Shetty will be that a person who got himself converted can reside in the tarwad house, or perhaps claim maintenance, and jog on whether for good or evil until as a matter of fact the contingency mentioned

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in section 38 happens. Not only that; ordinarily the idea is that the members of a tarwad live together—of course there may be exceptions of people who follow the learned professions and go outside the tarwad. What does Mr. Shetty mean by ' separate from the tarwad '? I think, living separately but not separate in interest. If he means that he can separate from the tarwad, he does not go any further than the clause we have already provided. I believe therefore allowing a member who has changed his religion to continue and not compelling him or not giving him the choice of claiming a division of the tarwad property will not conduce either to his own happiness or of the other members of the tarwad. In these circumstances I would appeal to Mr. Shetty to drop the amendment he has proposed."

B. POCKER SAHIB Bahadur:—" Mr. President, Sir, I wish that Mr. Shetty had bestowed some deeper consideration on this subject before he brought forward his amendment, as he usually does with reference to any question that comes before this House. I am sure he did not give sufficient attention to every aspect of the case before he moved this amendment. He missed one vital fact and that is this. He smelt danger in some member of the tarwad going to the extent of changing his religion as if he is changing his coat for the purpose of achieving the object, namely, of getting a share or rather of expediting the taking of his share in the property. I do not know why Mr. Shetty should think that people in Malabar attach only so much importance to their religion that they will easily think of changing their religion for expediting taking their share of the tarwad property. I do think that Mr. Shetty will agree with me that the people of Malabar are very religious people and they believe in their religion heartily. (A voice: ' Just like Mussalmans.') Yes; I do not think the Hindus of Malabar are less zealous in their religion than Mussalmans or the people of other religions. So that contingency contemplated by Mr. Shetty will never happen and people would not change their religion for so trivial a purpose.

" One aspect which Mr. Shetty has entirely ignored is this. A man may change his religion and become a Muhammadan or a Christian or anything else. The moment he changes his religion he will become a nuisance to the members of the family; and as pointed out by my friend, Mr. Raman Menon, he can insist on staying with other members of his family in the same tarwad house. The situation can well be imagined than described. It was with that idea that this provision has been inserted. It is not merely a provision in favour of the convert, but it is also a provision in favour of the other members of the tarwad. The other members will be quite as insistent as the convert himself to get rid of him giving away his share. If Mr. Shetty's amendment is carried, the result will be that in the same family there will be Christians, Mussalmans and people of any other religions that may come into existence hereafter. I think that is a state of affairs which Mr. Shetty will agree with me we ought to avoid.

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"There is another aspect, that is, the freedom given under the Caste Disabilities Act. This has been interpreted to mean right of maintenance. There is a full bench decision on it. It was held that so long as a member of a tarwad is not entitled to partition under the existing law, the fact that he has changed his religion cannot give him a new right as a matter of fact at the same time. It is that decision which stands now as law. When we are widening the scope of the the right of partition, no doubt with certain restrictions, I do not see why the views of both the converts and also of the people unconverted should not be given effect to. Every member of a family who remains a Hindu will be very anxious to get rid of the convert giving him not only his share, but also something more to be rid of him. Mr. Shetty will be doing the greatest disservice to people who remain as Hindus if he presses his amendment. So I oppose this amendment."

* Mr. P. Appu Nayar :—"I beg to oppose the amendment proposed by Mr. Shetty. As my friend, Mr. Pocker, has just said, the law on the subject is quite clear. A member of a tarwad who has changed his religion will not forfeit any right that he has in the tarwad. The question that arose in the particular case quoted was whether such a member is entitled to claim maintenance and Mr. Justice Sundara Ayyar held that he is. The learned Judge however reserved the question whether a convert is entitled to become the karnavan of a tarwad till a specific case arose. But there can be no difficulty as to what that decision will be in the face of the Caste Disabilities Removal Act, under which no person will forfeit any right to property or any other right by mere change of his religion. That being so, a person who has become a convert either to Christianity or Muhammadanism can claim to be the karnavan of the tarwad.

"As to the amendment, if my friend's idea is that a person who has changed his religion should be compelled to accept a maintenance allowance and to live outside the tarwad house, he will be doing considerable violence to the law as it exists to-day in Malabar by incidentally repealing the provisions of the Caste Disabilities Removal Act. Under the existing law, a member of the tarwad, in spite of changing his religion is entitled to live in his tarwad and share in the common benefits of the tarwad. My friend's amendment is that the member must take his maintenance and live outside the tarwad and separate from it. The karnavan will have to provide him another house to live in or with the small pittance the poor man would be put to considerable hardship. There is also a legal objection to this amendment because it will have the effect of overriding the provision in the Caste Disabilities Removal Act and the amendment cannot be considered without the previous sanction of the Governor-General. On that ground the amendment is out of order."

-30 n. Mr. C. Krishnan :—"Sir, the clause as it stands is more definite. When we are speaking about conversion we are thinking only of

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Christianity and Muhammadanism. A person may change his or her religion and yet he or she will be entitled to his or her share of the tarwad property. If Mr. Shetty's amendment is accepted, it would lead to several doubts. Therefore I oppose his amendment."

Khan Bahadur T. M. MOIDOO SAHIB Bahadur:—" Mr. President, Sir, I oppose this amendment. We are enacting Marumakkattayam law for the benefit of all the members. According to the old law a member even though he may become a convert to another religion, does not lose his coparcenary in the family and even High Court judgments are in favour of those who have become converts to Islam or Christianity. Further, there will be this difficulty: some tarwads may have some hold on some private temples. If a member of the tarwad becomes a convert to another religion he has got all the rights over such temples including private temples and when he becomes the karnavan, he can enter those temples. I do not think it will be possible to allow a karnavan, after he becomes a convert, to enter a Hindu temple. Under those circumstances it is essential that the clause should remain as it is."

* Mr. A. B. SHETTY:—" My hon. Friends who have opposed my amendment have not met the points raised by me. I wanted to know what exactly change of religion meant. Supposing a man becomes Bhuddist or an Arya Samajist or an atheist, will he come under the operation of clause 39? If a man becomes an outcaste not on account of conversion to another religion but on account of some caste offence or offence involving moral turpitude, and his family objects to his remaining with them, can he get a share of the property and go out of the family house or can he be given his share and be compelled to live separately? I am sorry to say the object of my amendment has not been correctly understood. The amendment enables a person who changes his or her religion to claim his or her share of maintenance and live separately. It provides that such a person may also be compelled to separate from the tarwad after giving him his share of maintenance. The tarwad will thus be put to no inconvenience or trouble. The convert, on the other hand, will gain no right of partition till the time for it comes. People in South Kanara are in favour of my amendment. But any way if the sense of the House is against my amendment, I shall not press it."

The amendment was, by leave, withdrawn.

Clause 39 was put and carried and was allowed to stand part of the Bill.

Clause 40 was put and carried and was allowed to stand part of the Bill.

* The hon. the PRESIDENT:—" I think at this stage it is better that we go back to the clauses that have been held over."

Clause 1, sub-clause (3).

MR. U. C. SUBRAHMANYA BHATT:—" I beg to move the amendment of which I have given notice, viz.—

'*For sub-clause (3) of clause 1, the following shall be substituted:—*

"*(d) to all the Jains of the South Kanara following Aliyasantana law of inheritance provided that clauses 5 to 12 of Chapter II and Chapter IV of the Bill shall not be applicable to them*".'

" As I said yesterday, the Jains of South Kanara want wholeheartedly that the benefits of this Bill which is sought to remedy the defects of the system in Marumakkattayam and Aliyasantana law should be extended to them also. One argument which was brought forward was that inclusion of the Jains within the purview of this Bill would necessitate a fresh sanction and so there was some doubt as to whether it would be possible to bring them within the ambit of this Bill or not. But, Sir, several decisions, for instance 3 Allahabad, page 5, 31 Allahabad, 31 Calcutta, pages 11 and 30, and 50 Madras, page 220, show that Jains are Hindus though of a dissenting sect and because they are Hindus, Hindu Law applies to them. The matter is made quite clear in 31 Calcutta. In 31 Calcutta the Hindu Law has been applied to the Jains not by way of analogy but on the ground that they are Hindus. That makes it quite clear that Jains are Hindus and that no fresh sanction is necessary. If however there is still any doubt I may say that sub-clause (3) of clause 1 as it stands makes mention of Jains and says that ' Nothing contained in this Bill shall apply to Jains.' This clause has not received the assent of the Governor-General and this clause having been allowed to be introduced in this Council, it is open to this Council to either amend it or delete it or include the Jains within the purview of this Bill and no fresh sanction would be necessary at all. On this ground also I say that no fresh sanction is necessary. Thirdly I may say that the Hindu Religious Endowments Act which is intended only for Hindu temples says that Jain temples are excluded from its purview and gives power to the Local Government to extend that Act to the Jain temples. That also shows that Jains are Hindus and therefore I submit that no fresh sanction is necessary."

* The hon. the PRESIDENT:—" That question has not been raised. The hon. Member can confine his remarks to the merits of his amendment."

MR. U. C. SUBRAHMANYA BHATT:—" So far as the merits of the amendment are concerned, I may say that in all respects the Jains are followers of Aliyasantana law. When this Bill seeks to remedy the defects of the Aliyasantana law, no community whatsoever which follows the Aliyasantana law should be excluded from its effects for any reason whatsoever. One or two words may be stated as to the particular objects which are contained in the proposed amendment. So far

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as clauses 5 to 12 of Chapters II and IV are concerned, the Jains do not want that these clauses should be made applicable to them, because so far as Chapter IV is concerned, it deals with intestate succession and the Jains have got a separate law for themselves, viz., the Jain Succession Act of 1925 of this legislature. So much so, it is not advisable that this Bill should be made applicable to them, because they have got separate law for succession and inheritance. Marriage accordingly to them is a sacrament unlike for Aliyasantana people, though it is not legally recognized by the courts as marriage. Marriages do exist among them although they are not legally recognized. Secondly among them there is no divorce. So much so, I say that clauses 5 to 12 are not applicable to them and should not be made applicable to them. The remaining provisions of this Bill may be made applicable to them. It is with that intention that I move this amendment."

* Mr. A. B. SHETTY:—" I beg to second the amendment of my hon. Friend Mr. Bhatt. At the final meeting of the Select Committee Mr. Bhatt and myself urged that certain portions of the Bill should be made applicable to the Jains following the Aliyasantana system and the hon. the Law Member gave us an assurance that before the Council met this time, if he found that public opinion among the Jains was in favour of our proposal, the Government would not stand in their way. The proceedings of the meetings held by the Jains after the Select Committee concluded its sittings have been published and copies have been distributed here to the Members of the Council. The Jains have held meetings in Mangalorė on 29th September, in Karkal on 1st October and at Moodbidri on 2nd October and they have passed unanimous resolutions in favour of the amendment moved by Mr. Bhatt. I had occasion to speak to some of the leading Jains in South Kanara and they have expressed their desire to have certain portions of the Bill made applicable to them. They have also taken the trouble of sending one of their community members, a rising lawyer practising in Mangalore to see that this amendment is accepted by the House. So I request the hon. the Law Member to kindly accept this amendment which is being moved in accordance with the wishes and the opinions expressed by many of the leading Jains of South Kanara."

* The hon. the PRESIDENT:—" Is Mr. Appu Nayar moving his amendment? "

* Mr. P. APPU NAYAR:—" I thought my hon. Friend Mr. Bhatt is moving the amendment, and that it would not be necessary for me to move it."

Mr. U. C. SUBRAHMANYA BHATT:—" I am prepared to withdraw my amendment and in its stead I propose the following amendment:—

> '*the provisions of this chapter, of section 4 of Chapter II, and of Chapters III, V, VI, VII and VIII shall apply to the Jains following the Aliyasantana system of law and the other provisions of this Act shall not apply to them*'."

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Mr. A. B. Shetty seconded the amendment.

* Mr. P. Appu Nayar :—" On a point of personal explanation. I thought there might be some complication if we attempted to include the Jains in this Bill. From the various decisions referred to I see that the Jains are generally governed by the Hindu Law. The provisions of certain India Acts however seem to treat the Jains and Hindus as people belonging to different religions. At the same time a local enactment of 1927 is so worded as to warrant the contention that the Jains are included among the Hindus. So the extension of the provisions of the Bill to Jains is not entirely free from difficulty.

5 " I do not, however, propose to oppose the amendment. At the
1. same time, I should like it to be understood that I take an attitude of non-committal towards it."

The amendment was put and carried.

Clause 1, as amended, was put and carried and was allowed to stand part of the Bill.

Clause 3.

B. Pocker Sahib Bahadur :—" Sir, I have given notice of an amendment for the definition of a tavazhi, but I do not propose to move it now. I propose to move my amendment to delete the definition of collateral tavazhi, because that expression does not occur anywhere in the Bill as amended by the Select Committee. I understand Mr. Appu Nayar also has examined the Bill as it now stands and is prepared to accept my amendment. I move—

' that sub-clause (j) (iii) be omitted '."

* Mr. P. Appu Nayar :—" Sir, I second the amendment. In addition to the amendment proposed by the hon. Member we should also make the following amendments :—

' Add *the word " and " at the end of sub-clause (j) (i)*; omit *the word " and " at the end of sub-clause (j) (ii) '.*"

* The hon. the President :—" The question is—

' after sub-clause (j) (i) add *the word " and "*; delete *the word " and " at the end of sub-clause (j) (ii); and* delete *sub-clause (j) (iii) '.*"

The amendments were carried.

Clause 3, as amended, was put and carried and was allowed to stand part of the Bill.

Clause 41.

Mr. U. C. Subrahmanya Bhatt :—" Sir, I move—

' that sub-clauses 1 (a) and (b) be omitted '.

" There is only one section of the community following the Aliya-santana law in our district which is opposed to the clause as it stands. While there is one section which is strongly in favour of the stirpital division, there is another section which is also strongly in favour of

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division of half per capita and half per stirpes. But I should point out here that the majority are in favour of the compromise contained in the clause as it stands in the Bill as it tries to overcome the defects of a pure stirpital division or a pure per capita division. Anyhow, I have tabled this amendment to alter the clause as it stands simply with the idea that the view which wants that the law in South Kanara should be brought into line with the law in Malabar should not suffer for want of representation in this Council. Personally, I think, and the majority of those who follow the Aliyasantana law in South Kanara are of the same opinion, that the compromise contained in the clause as it stands is the best solution of the difficulty and would cause the least amount of hardship."

Mr. C. Krishnan:—"I second it."

* Mr. A. B. Shetty:—"Sir, I oppose the amendment moved by my hon. Friend. He himself has admitted in his speech just now that the majority of the followers of the Aliyasantana law in South Kanara are in favour of the mode of division provided in the clause as it stands. The formula contained in this clause was put in the Bill by the Select Committee after the pros and cons of the question had been thoroughly discussed by the Committee. Mr. Bhatt himself agreed at the time to this principle of division on half per stirpes and half per capita basis. He did not object to it in his dissenting minute also. Even the Bar Association of Mangalore whose views were put before the Committee by Mr. Bhatt was in favour of the clause as it stands. I made it plain in my speech on the motion to refer this Bill to a Select Committee that it would be necessary to make a provision for division like the one that is made in clause 41 (1) (*a*) and (*b*) in the Bill. I am glad to say that the Jains who follow the Aliyasantana law in South Kanara are also in favour of the clause as it stands. They *are for the compromise formula* of division on half per capita and half per stirpes basis. The normal mode of division among the Bunts in South Kanara has mostly been on a stirpital basis till recent times. But latterly a tendency for adopting a combination of stirpital and per capita basis for division has been growing in South Kanara. I know that there is a large and important section of Aliyasantana people in Puttur and Kasaragod who want only per capita division. The petition that was presented to this House yesterday by Mr. Bhatt was from this section. There is another important section of people in the same taluks, Puttur and Kasaragod, who are opposed to this per capita division. They have presented a memorial to the hon. the Law Member saying that they want stirpital division only. There are four or five other memorials also which have been sent from different taluks in South Kanara to the hon. the Law Member and circulated to the Members of this House and they are in favour of the compromise contained in the clause as it stands in the *Bill. If* we analyse the opinions sent to the Government by Aliyasantana people to whom this Bill was circulated for their opinion, we find that a large majority of them are in favour of the clause as it stands in the Bill,

Nobody has suggested or approved of division on a per capita basis. This division per capita was unknown almost till very recently. It is only due to the influence of Malabar and to the decisions of courts in maintenance cases that there is now a demand from members of bigger branches for per capita division. But it is clear that the large majority are in favour of the clause as it stands. We have held several meetings, in fact, we had a meeting in every taluk head-quarters and one big meeting in Mangalore to ascertain opinion in regard to this Bill. In most of these meetings people expressed themselves in favour of division on half per stirpes and half per capita basis. Therefore, I oppose the amendment moved by Mr. Bhatt and ask the House to let the clause remain as it stands in the Bill."

* Mr. P. Appu Nayar:—" Sir, I have also to oppose this amendment. As it stands it is not clear what exactly the hon. Member means by his amendment. If sub-clause (1) is omitted, sub-clause (2) which he wants to retain would be meaningless. Sub-clause (2) refers to sub-clause (1) and if the latter is omitted the former cannot stand by itself. If the amendment is carried Aliyasantana families in South Kanara would be left without any right of partition at all as clause 40 applies only to tarwads not governed by Aliyasantana law. I do not think my hon. Friend contemplated this when he gave notice of his amendment. Surely, he does not want his countrymen to lose the right to partition their tarwad properties, but that is the effect of his amendment."

B. Pocker Sahib Bahadur:—" Sir, I support Mr. Bhatt's amendment though not exactly for the same reasons that he has adduced. It is quite clear from the speeches of Mr. Bhatt and Mr. Shetty that popular opinion in South Kanara is in favour of the clause as it stands. All the same I want to support Mr. Bhatt's amendment for the simple reason that I anticipate there will be great difficulties in working this clause in practice. For instance, in the division per stirpes, the clause does not say from which mother or which line the stirpital principle should begin to operate. It would be impossible for any court to give effect to the clause as it stands. Although on principle I agree with Mr. Shetty that we should try to give effect to the public opinion in this matter, I support Mr. Bhatt's amendment, and in doing so I request him to propose such other amendments as may be necessary in order to achieve the object he has in mind."

The amendment was by leave withdrawn.

Clause 41, *new sub-clause* (1) (*c*).

1. * Mr. A. B. Shetty:—" Sir, I move the following amendment:—

' Add *the following as sub-clause* (1) (*c*):—

" (*c*) *In any case in which division takes place during the lifetime of a female ascendant, she shall be entitled to such share of the tarwad properties as would fall to her if a division per capita were made among all the members of the tarwad then living* ",'

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"My object in moving this amendment is to meet the difficulties pointed out by my hon. Friend, Mr. Appu Nayar, in his minute of dissent. Supposing a female ascendant consents during her lifetime, to division being made, what will be the share which will have to be allotted to her? If a person changes religion during the lifetime of a female ascendant or common ancestress, then also this difficulty will arise. We have to lay down in the Bill the share which will have to be provided for the common ancestress. It is to meet this difficulty that I have moved this amendment."

Mr. U. C. Subrahmanya Bhatt:—"I second it."

* Mr. P. Appu Nayar:—"Sir, I support the amendment. The difficulty I found in the clause as it stands was this: In respect of half the properties of the tarwad, the female ascendant will get a share. It is only as regards the other half that she does not get any share. The amendment provides that she should get a per capita share in all the properties of the tarwad. If that is what my hon. Friend intends, I support the amendment."

The amendment was put and carried.

Mr. U. C. Subrahmanya Bhatt:—"Mr. President, Sir, I move—

'*that sub-clause* (2) *of clause* 41 *may be omitted.*'

"Sub-clause 41 (2) gives only a life interest to a male member and on his death the property reverts to his mother's tavazhi. This clause was, I must submit, inserted in the Bill at the Select Committee stage because it was felt that opinion was divided in the South Kanara district as to this question though it was thought that it was a most harmful and most retrograde provision.

"The provision of section 41 (2) giving only a life interest to a male member on partition is extremely unjust and inequitable. Under the ordinary Aliyasantana law every member male or female has a full proprietary interest in every item of family property and in the absence of the right to get a share of the family property he or she enforces his or her right to the family property (*a*) by participating in the income of the family properties in the shape of maintenance, (*b*) by asserting his right to conserve the family property by setting aside the improper alienations of the ejaman, or by removing an ejaman who mismanages or deals with the family property improperly. By altering the law and compelling partition, a male member loses the above rights and has to be content with a life estate which is valueless and sometimes imaginary. He will be powerless to resist the claim of his sisters if they ask for partition on the moment of the death of the mother. His life estate may not be worth a day's purchase on account of uncertainty of the duration of his life. His condition is worse than that of a Hindu widow who has full powers of alienation for the benefit of necessity of her husband's estate, and her position is akin to the manager of a Hindu family or the guardian of an infant's estate. He has no incentive to improve the property as he is not able to enjoy the enhanced value of the property. He has no credit in the market except to the extent of the yearly income which will be diminishing quantity

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for want of timely improvements. Unless he possesses self-acquired property, even his wife and children will look askance at him as they have no prospect of getting anything from him. The education and advancement in life of his children will suffer as he has no means of his own for the benefit of his wife and children. The uncles of his sons are also in the same position and they also have no interest in the education and advancement of their nephews. Under the present system the lucky ejamans and the favoured nephews alone have the benefit of the income of the family properties and the unlucky junior members' lot is very hard unless the husbands of certain female members are placed in a similar advantageous position. If the head of the family is a female, her husband and sons become the actual managers of the family to the chagrin and dishonour of other members. By allowing compulsory partition to a limited extent these evils are sought to be remedied but the remedy provided for is worse than the former evil. The Select Committee want in the case of the Aliyasantana families to preserve the family lands as far as possible for ever in the divided branches of the family by giving only a life-estate to divided male members. This desideratum will not be achieved when once the principle of partition is conceded. There is no restriction against alienation by a divided branch if its members turn out to be improvident and incompetent persons. The chance of squandering and wasting the property is greater in the case of a smaller group than a bigger group. But the Committee cannot provide for it as any such provision will be against the forces of nature. Therefore when once the principle of partition is conceded the logical sequence will be to give equal rights to multi-member branches and single-member branches without taking into consideration the sex of the single-member branches. *The injustice and unreasonableness of the provision are* brought to the light of absurdity when a childless single-woman member branch is given absolute power of disposal of her share of the family property. I say this provision is a most retrograde one and it must be deleted from this Bill."

* Mr. P. Appu Nayar:—"I beg to second the motion. I should like to point out the difficulties that may arise if the clause is allowed to stand as it is. The clause says that on partition, a male member shall take only a life interest in the property and on his death, the property should revert to his mother's tavazhi or in the absence of such tavazhi, to his maternal grandmother's tavazhi. It is difficult to see what the incidents of this life interest are and what powers the holder of the life interest has in the property. Secondly, it is difficult to define the persons who are the reversioners. For these reasons, I agree that this clause may be omitted."

The amendment was put and carried.

Clause 41, as amended, was put and carried and was allowed to stand part of the Bill.

Clause 42 was put and carried and was allowed to stand part of the Bill.

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Clause 43.

* Mr. R. M. Palat :—" Sir, I beg to move the following amendment :—

' Renumber *clauses* 43 *to* 50 *as* 44 *to* 51 *and* insert *the following as clause* 43, *viz.*—

" 43. (1) *Every tarwad included in the schedule shall be an impartible tarwad and the provisions of Chapter VI shall not apply to such tarwad unless and until it is registered as a partible tarwad.*

(2) *Not less than two-thirds of the major members of a tarwad referred to in sub-section* (1) *may at any time present a petition to the Collector for the registration of the tarwad as partible.*

(3) *Such petition shall be in such form and contain such particulars as may be prescribed.*

(4) *If, after giving notice to all the major members of the tarwad and making such enquiry as he deems fit, the Collector is satisfied that not less than two-thirds of the major members of the tarwad have signed the petition with their free consent and desire the registration of the tarwad as partible, he shall register the tarwad as partible.*

(5) *On such registration, the provisions of Chapter VI shall apply to such tarwad* ".'

" In Malabar we have some important and respectable families which should be impartible in the same way as there are impartible estates in the East Coast. Some of these families are the representatives of the ancient ruling families of Malabar. I do not want to go more fully into the matter as I have already referred to it in my minute of dissent and I hope hon. Members have gone through it. As I understand that this amendment will be accepted by the framers of the Bill, as a compromise, I do not wish to take up more time of the House."

Mr. V. P. Narayanan Nambiyar :—" Sir, I have great pleasure in seconding the amendment that has been moved by my hon. Friend, Mr. Palat. This amendment has been moved as the result of a compromise that has been arrived at. There was indeed keen controversy regarding the question whether the families that have been mentioned in the schedule should be altogether exempted. Whatever be the merits of the controversy, we ought to be glad that an agreement has been reached. We are very grateful to the Rajas and sthanis for having arrived at this compromise. Let us hope that in carrying out this compromise also, the same spirit of harmony and cordiality will prevail.

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I quite appreciate the desire of gentlemen like the Raja of Kollengode to be exempted. But all the karnavans in Malabar are not of the type of the Raja of Kollengode; were it so, there would have been no necessity for this Bill at all. I have much pleasure in seconding this amendment, which is the outcome of a very happy compromise."

* Mr. K. P. RAMAN MENON :—" Sir, I must also add my feelings of pleasure in arriving at a settlement on this very knotty question. In Malabar the practice has all along been that tarwads are impartible We were trying to change that rule and to make all tarwads partible, and I have for the last twenty years been working at it, trying to make all tarwads partible in Malabar. Finally we have been able to bring in this Bill here with reference to Malabar tarwads and to make them partible, thereby bringing the Malabar families, if I may say so, in a line with the families on this side of the Ghats. But there is the old conservative spirit to be reckoned with. There are old aristocratic families which have survived all these years, which naturally would look upon this change with a great deal of apprehension. Their sentiment had to be recognized and it was with a view, if possible, to arrive at a settlement on this matter that we have been trying to find out means by which they may be satisfied and by which we may also satisfy the claims of the other anandravans of the family. Well, Sir, if you read the provisions of this Bill, you will find that our attempt has been, as I said before, to bring Malabar families into line with the families on this side of the Ghats—that is to say, joint families being partible, the families headed by a male, not like the present-day Marumakkattayam families of Malabar. Even here, so far as these aristocratic families are concerned, I for one as the representative, if I may call myself, of the anandravans—generally I take the side of those persons whom I regard as oppressed—took up their cause and I was always insisting that they should be put on the same footing as members of the other tarwads—that is to say, two-thirds of the members may join together and apply to make the family property partible. Of course, the aristocrats wanted that it should not be so; they wanted the total exclusion of these members. This I resisted and now to the satisfaction of all, the compromise has been effected. I must therefore pay my compliment to them and appreciate their high sense of duty in coming to this settlement. Under this arrangement, if anybody wants to make an exempted tarwad partible, he will have to move in the matter and get up two-thirds of the major members of the tarwad to claim partition. I hope, Sir, that the miseries that the anandravans in some families have been suffering will vanish hereafter and that in future it will be possible, if there is any karnavan who is not willing to concede such partition, to force him by two-thirds of the members joining together, to realize his sense of duty and to allow these anandravans to share the profits and income of the families.

"I am very glad, Sir, that I have been spared the necessity of detailing the harrowing tales of the junior members in aristocratic families, and that I have been spared the trouble of mentioning all the facts connected with them to the hon. Members of this House. Nobody

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is gladder to-day than myself that we have finally come to this settlement which satisfies the feelings of both the karnavans of the aristocratic families and the other members concerned."

* The hon. the PRESIDENT:—"The question is—

'Renumber *clauses* 43 *to* 50 *as* 44 *to* 51 *and* insert *the following as clause* 43, *viz.*—

"43. (1) *Every tarwad included in the schedule shall be an impartible tarwad and the provisions of Chapter VI shall not apply to such tarwad unless and until it is registered as a partible tarwad.*

(2) *Not less than two-thirds of the major members of a tarwad referred to in sub-section* (1) *may at any time present a petition to the Collector for the registration of the tarwad as partible.*

(3) *Such petition shall be in such form and contain such particulars as may be prescribed.*

(4) *If, after giving notice to all the major members of the tarwad and making such enquiry as he deems fit, the Collector is satisfied that not less than two-thirds of the major members of the tarwad have signed the petition with their free consent and desire the registration of the tarwad as partible, he shall register the tarwad as partible.*

(5) *On such registration, the provisions of Chapter VI shall apply to such tarwad*".' "

The amendment was put and carried and new clause 43 was put and carried and was allowed to stand part of the Bill.

Clause 44 (*old clause* 43).

* Mr. R. M. PALAT:—"I move, Sir—

'*that for the word and figures* "*section* 44" *the word and figures* "*section* 45" *be substituted.*'"

* The hon. the PRESIDENT:—"I do not think that the amendment is necessary, in view of the amendment that has already been passed."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"May I say one word? Mr. Palat's amendment is with reference to sub-clause (4) of clause 43 as in the Bill—the clause which now becomes clause 44."

* The hon. the PRESIDENT:—"In that case, there is Mr. Shetty's amendment which will have to be moved first."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"What I was going to submit was that my friend Mr. Raman Menon has a small amendment to clause 43, that is, the old clause 43 (1). I am afraid he has not given notice; he is just writing it down."

* The hon. the PRESIDENT:—"But there is Mr. Shetty's amendment to clause 43 (1). I will now ask him to move it."

* Mr. A. B. SHETTY :—" Sir, I move that—

'for *clause* 43 (1), substitute *the following* :—

" (1) *Not less than two-thirds of the major members of a tarwad may at any time present a petition to the Collector for the registration of the tarwad as impartible* ".'

" My amendment is for the purpose of liberalizing the provision for getting tarwads registered as impartible. As the provision stands, it will be practically useless. Even a single person who constitutes a tavazhi may be able to dictate terms to the majority in a family and prevent them from getting the tarwad registered as an impartible tarwad. It will be practically the tyranny of a minority against the majority. Sir. T. Muthuswami Ayyar, the President of the Malabar Marriage Commission, after taking evidence in regard to the marriage Bill, is said to have expressed to Sir Sankaran Nayar that it should be open to the majority of the members of a tarwad to decide whether partition was necessary or not, and that in his opinion such should have been declared to be the Marumakkattayam law by the courts. The section as it stands gives the right to one-third the number of members in every tavazhi to oppose the attempt made for getting the family registered as impartible. What I propose in my amendment is that two-thirds of the major members of the whole tarwad only should be given this right and not two-thirds of the members of every tavazhi. I want that the 18 months' time-limit also should be removed. I understand that they have amended the provision in the Cochin Nayar Regulation and removed the time-limit of six months which was originally fixed as the period for getting tarwads registered as impartible. I feel, Sir, that the option must always be there for the majority of the members of a tarwad to get their families registered as impartible or to get it cancelled. It is not at all desirable to put a time-limit. People who say that they are opposed to partition, families in which the general sentiment is against division, will gladly welcome this amendment. It will be a check on any hasty breaking up of families and it will afford protection to conservative people who want the families to remain as they are. I feel, Sir, that social legislation should proceed on cautious lines as far as possible. Therefore, I move this amendment and hope that it will be accepted by the House."

Mr. ABDUL HAMEED KHAN :—" I second it."

The amendment was put and carried.

* Mr. A. B. SHETTY :—" Sir, I move—

'*that in clause* 43, *sub-clause* (3), *in line* 4, *the following words viz.,* " *each of the tavazhis constituting* " *be omitted.*'

" This is a consequential amendment, Sir. It is quite necessary in view of the fact that my amendment to sub-clause (1) of this clause has been accepted by the House."

Mr. Abdul Hameed Khan seconded the motion.

The amendment was put and carried.

Mr. R. M. PALAT:—" Sir, I move—

'*that in sub-clause* (4) *of the renumbered clause* 44, *for the word and figures* " *section* 44 " *the word and figures* " *section* 45 " *be substituted.* ' "

Mr. V. P. Narayanan Nambiyar seconded the motion.

The amendment was put and carried.

Clause 44, as renumbered and as amended, was then put and carried and was allowed to stand part of the Bill.

Clause 45 (*old clause* 44).

* Mr. R. M. PALAT:—" I move—

'*that in sub-clause* (1) *of the renumbered clause* 45, *for the word and figures* " *section* 43 " *the word and figures* " *section* 44 " *be substituted.*' "

Mr. V. P. Narayanan Nambiyar seconded it.

The amendment was put and carried.

Clanse 45, as renumbered and as amended, was put and carried and was allowed to stand part of the Bill.

Clause 46 (*old clause* 45).

Clause 46, as renumbered, was put and carried and was allowed to stand part of the Bill.

Clause 47 (*old clause* 46).

Mr. R. M. PALAT:—" I move—

'*After the words* " *order of the Collector* " insert *the words and figures* " *registering a tarwad as partible under section* 43 *or;*"

'for *the word and figures* " *section* 43 " substitute *the word and figures* " *section* 44 ; " *and*

'for *the words and figures* " *section* 44 " substitute *the word and figures* " *section* 45." ' "

Mr. V. P. Narayanan Nambiyar seconded the amendment.

The amendment was put and carried.

Clause 47, as renumbered and as amended, was put and carried, and was allowed to stand part of the Bill.

After Lunch (2-30 p.m.)

Clause 48 (*old clause* 47).

* Mr. R. M. PALAT:—" Mr. President, I move that—

'for *the words and figures* " *sections* 43 *and* 44 ", substitute *the words and figures* " *sections* 43, 44 *and* 45." ' "

* Mr. P. APPU NAYAR:—" I second it, Sir. "

The amendment was put and carried.

Clause 48, as renumbered and amended, was put and carried and was allowed to stand part of the Bill.

Clause 49 (*old clause* 48).

* Mr. R. M. PALAT :—" I move, Sir—

'*that the following may be substituted for the existing section :—*

" *Where a person bequeaths or makes a gift of any property to, or purchases any property in the name of, his wife alone or his wife and one or more of his children together, such property shall, unless a contrary intention appears from the will or deed of gift or purchase or from the conduct of the parties, be taken as tavazhi property by the wife, children by such person and their descendants, in the female line.*" ' "

Mr. V. P. Narayanan Nambiyar seconded the amendment.

B. POCKER SAHIB Bahadur:—" Mr. President, Sir, in supporting this amendment, I have to point out that the section as drafted by the Select Committee is fraught with great difficulties. I do not know whether the section as it stands has been understood in all its aspects by the Members of the Select Committee themselves. The law on the subject as it stands at present is, where properties are given to a wife or in the name of wife and some of the children or some of the children alone, unless the contrary intention appears from the document or from the conduct of the parties, the presumption is that such property shall be presumed to be tavazhi property. Now what is sought to be introduced by this section is that such properties shall be taken by these donees in equal shares. Perhaps, what is intended is that they should take the property as tenants-in-common. Even for that purpose, the section as it stands is not sufficiently clear. We should therefore make up our mind whether the presumption should be that the parties should take the property as tenants-in-common or as tavazhi property as hitherto. Even that is not made clear by the section. In any case, the section cannot be allowed to stand as it is, for it is likely to give room to great difficulties and a lot of litigation on the subject.

" In the present clause, it is stated that the 'property shall belong to the wife and to each of the children, including those born subsequent to the execution of such will or deed.' If it is the intention that the parties should take the property as tenants-in-common, then every person who is alive at the time of the gift or at any time subsequent to it, can claim a partition of the property in equal shares. If that right is conceded, I do not know what is meant by the words 'including those born subsequent to the execution of such will or deed,' because if property is given to the persons in existence at the time as tenants-in-common. I cannot understand how future children can get benefit out of it. I doubt whether it would be proper to include future children also in the gift. They should take it either as

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tavazhi property or as tenants-in-common. If it is the former, then, the latter portion of the section, viz., 'including those born subsequent to the execution of such will or deed' is entirely out of place. If that is the intention, they should treat it as tavazhi property and the section should be redrafted as proposed by my hon. Friend, Mr. Palat, so as to carry out the intention. If, on the other hand, the section is allowed to stand as it is, disputes will arise later on as to whether the children born after the will or deed, will get benefit or not. If you allow them to take the property as tenants-in-common, well and good, but that does not seem to be the intention of the Select Committee and I do not think that is the object with which properties are given by the father or the husband. Even now the object is that future children also should be benefited by the gift and this can only be done by making it tavazhi property. It is also my object that the division of such properties must be *per stirpes* when such division happens to take place under the provisions of this Act. I shall speak more fully about this question of division when my amendment is taken up for consideration."

* Mr. K. P. Raman Menon:—" Mr. President, I am afraid that both my hon. Friends, Mr. Palat and Mr. Pocker, have not fully realized the implications of the amendment that has been tabled. It was with very great difficulty that we carried the sense of the findings of the Select Committee by the wording of this provision and if at all it does anything the amendment that is proposed will practically confuse the real sense of the clause and one will be at a loss to understand what exactly was meant by the legislature. As very often happens in Malabar, a husband acquires property in the name of his wife, when there are no children, for her benefit. Properties are acquired in the name of wife and children and often after they are acquired, more children are born. All along, the idea is that such property is the property belonging to all of them including the after-born children. Supposing to-day I acquire property in the name of my wife and children and if I have children born to my wife afterwards, they also inherit the property and are also equally entitled to the property that I acquired in the name of my wife and my children now living. That has been the idea in Malabar all along. In fact, the rulings on the subject of the High Court also point to that fact.

" And that is all that is stated in clause 49 as newly numbered. 2- p. We are not going to confuse it with the ideas of tenancy in common or joint tenancy or any such thing. It is a tenancy which is peculiar to Malabar, which the people of Malabar among other peculiarities do have at present as part of their system of law. If you accept this amendment, the position comes to this. I shall read the amendment and explain to you the difficulties that arise from accepting it. The clause as proposed to be amended is this:

'Where a person bequeaths or makes a gift of his property to or purchases any property in the name of his wife alone or his wife and one or more

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of his children together, such property shall, unless a contrary intention appears from the will or deed of gift or purchase, be taken as tavazhi property by the wife, her children and her descendants, in the female line.'

" Now, a wife is certainly a woman, and tavazhi has been defined earlier. And tavazhi of a woman is the tavazhi of herself and her children. Now there have been cases in the Madras High Court, cases which have gone up to the High Court and which were decided, in which a woman had two husbands in succession. In a well-known Full Bench case reported in 39 Madras, Justice Srinivasa Ayyangar discussing the question as to whether the property which is given by a father is property which is attachable by a creditor of a particular son or daughter of the donor, put the query as to how such property is to be viewed. And Justice Sadasiva Ayyar in his judgment discussed it and asked the question how property acquired by a woman from different husbands could devolve. A few years afterwards it so happened that in Calicut a man acquired and left some properties to his wife and his children by her; he died. She afterwards married and she had children by the other husband also. This husband also left property in favour of his wife. Then the question arose as to whether the son by the first husband who was senior in age or the son by the second husband is entitled to the property left by the second husband. The former son said, ' I am the head of the tavazhi and I am entitled to manage all the property. The mother died and so the question arose as to which son should manage the property. The senior son, that is, the son by the first husband maintained that he was entitled to manage the property as karnavan of the tavazhi, the property which was not acquired by his father but by the father of the minor children who were thus at his mercy. And then finally it came up before the High Court, and the case is reported in the Law Reports—51 Madras I think. It gave the Judges a great deal of trouble to find out an escape from the implications of the previous ruling. Their Lordships finally held that the children by the first husband have no right to the property, but only the children of the second husband. That is what we understand to be the position in the country. If the amendment of my hon. Friend, Mr. Palat, is accepted, the property shall become the tavazhi property of the wife which means property belonging to members of that branch or tavazhi, a position diametrically opposed to the ruling above mentioned. It means that it belongs to the children born by one husband or successive husbands. Hence property which the donor intended to pass to the benefit of nobody except his own offspring by this woman, may be claimed by the offspring of the same woman by a later or a former husband. This is a very difficult position, a position which could never have been contemplated at all either by Mr. Palat or Mr. Pocker. What we say in section 49 is. . . "

B. Pocker Sahib Bahadur :—" On a point of personal explanation, Sir. In my amendment I have anticipated it and used the words ' by his wife '."

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Mr. K. P. Raman Menon:—" The clause as it stands is only a rule of construction. What is stated in the section is 'where a person bequeaths property or makes a gift of any property to or purchases any property in the name of his wife alone or his wife and one or more of his children together, such property shall, unless a contrary intention appears from the will, etc.'. It is as plain as anything. Persons who are born at the time of the gift and also those born thereafter will take an interest in the property. What the particular interest is and what the quantum of that interest is, the manner in which the rights are to be enforced, are not declared by this clause. For that we have to look to the general law on the subject. It is stated in the last section that 'nothing contained in this Act shall (*a*) be deemed to confer any rights on the parties to or the issue of any marriage which is dissolved before this Act comes into force, or (*b*) be deemed to affect any rule of Marumakkattayam or Aliyasantana law, custom or usage, except to the extent expressly laid down in this Act.' Now, what is the Aliyasantana law? Marumakkattayam law is that all property except what is made partible by this Bill, is impartible. That is the rule in Malabar. If any property is owned by brothers and sisters together, the presumption is that they hold it jointly and indivisibly according to the law as it now stands. So that my submission is that such property that is acquired and to which section 48 would apply would be property which would be held under the Marumakkattayam law. And if it is held under the Marumakkattayam law, there need be no explanation to the effect that it descends in the female line, that the children of daughters will get it and so on. It is practically tavazhi property in the sense that my hon. Friend, Mr. Palat, meant. So that there is no danger of misapprehension or any such thing. And inasmuch as tavazhi property is declared to be partible by other clauses of the Bill, the property covered by clause 48 will also be partible but only among the offspring of the same father. The only thing to be provided for is to prevent persons who are born after the date of the gift being denied the rights to their properties by their brothers and sisters. It is for that, that this clause is intended. It is not intended to pass property away from the real donees to others. The property remains the property of a Marumakkattayam tarwad, and all the incidents of a Marumakkattayam tarwad or tavazhi as then administered will then apply by virtue of this Act. So, there need be no apprehension on that matter, and I think that if the wording is changed, it would work immense harm and would lead us nowhere. I would also deprecate the idea of putting forward a new section after all the discussions we had in the Select Committee. Always collective wisdom is much better than individual wisdom. We discussed the whole Bill there, and unless there is something patently erroneous, it will certainly be better to stick to the wording adopted in the Select Committee. So, I would appeal to my hon. Friend to withdraw his amendment in view of the difficulties that he will be creating by placing the property of one man's children in the hands of another man's children."

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* Mr. P. Appu Nayar:—" Mr. President, Sir, I have much pleasure in supporting the amendment of my hon. Friend, Mr. Palat. The law as it exists in Malabar is that property given by a husband to his wife and children is taken by such wife and childen, as tavazhi property. That is exactly what the amendment seeks to give effect to. The clause as it stands says :

'Where a person bequeaths or makes a gift of any property to, or purchases any property in the name of, his wife alone or his wife and one or more of his children together such property shall, unless a contrary intention appears from the will or deed of gift or purchase or from the conduct of parties, belong to the wife and each of the children, including those born subsequent to the execution of such will or deed.'

" Sir, the question that naturally arises is what exactly is the interest taken by these persons in such property. The property must vest in some definite persons, for you cannot have property hanging in the air as it were without its vesting in somebody or without somebody taking a definite interest in it. If it is desired that children born after the gift or purchase should take an interest, the vesting cannot be postponed till after all the children are born. My hon. Friend to my left has admitted that the idea is to lay down that these people should take the property with the incidents of a tavazhi; and that is exactly what the amendment seeks to make clear. The main objection raised to the amendment is that where a woman has children by more than one husband and where one of the husbands has given property, the children of the other husband or husbands would get a right to the property. That can easily be remedied by providing that the property so given shall become the tavazhi property of the wife and her children by the donor. The clause as sought to be amended may run thus:

'Where a person bequeaths or makes a gift of any property to or purchases any property in the name of his wife alone or his wife and one or more of his children together, such property shall, unless a contrary intention appears from the will or deed of gift or purchase or from the conduct of the parties, be taken as tavazhi property by the wife and her children by such person.'

" The danger that my learned friend on my left apprehended, namely, that children by another husband will claim the property will then entirely disappear, as only the wife and the children of the donor will take the property with the incidents of a tavazhi. Every one of these persons including those subsequently born will take an interest in the property. That is exactly the object which my hon. Friend wants to attain though the clause as it stands does not make it clear. The amendment certainly makes the position clear and it also avoids the grave objection regarding the vesting of the property, because it would vest immediately in the corporate entity, that is, the tavazhi. Under this amendment, children born in the tavazhi subsequently will take an interest in the property, while if you retain the clause as it stands, the position would be far from being clear. If you make it tavazhi property, every person born in the tavazhi would automatically take an interest in it, but if you vest the property specifically in somebody, after-born children will not take any interest. The interest taken by a group of persons can be only one of two, either they take the property jointly in which case there would be the right of survivorship among the persons so taking, or they take it as tenants in

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common, in which case children born subsequently will take nothing and the property will be immediately partible. Take the case of a property purchased by a person in the name of his wife and two children. If they are tenants in common, the property can be divided into three shares and children born subsequently will not have any interest in the property. But if, on the other hand, the wife and two children take the property jointly and if any one of them dies, his or her interest will survive to the remaining two. In that case also children subsequently born will not get any interest. To enable children subsequently born to take an interest, you must give the property the character of a joint-family property, and that in Malabar we call the tavazhi property or tarward property. In this case it will be tavazhi property because 'tavazhi' has been defined as a group of persons consisting of a woman and her descendants. The amended clause would constitute a new tavazhi, namely, the tavazhi consisting of the wife and her children by the particular husband who has given the property. That is the most equitable position. And it has also the merit of being consistent with the decision of the High Court which laid down that where the property was given by a husband to his wife and his children by her, the children born of another husband would take no interest in such property. That decision of the High Court will be given effect to by the amendment proposed by my hon. Friend as slightly amended by me by the addition of the words 'the wife and her children by such person.'

"If the word 'tavazhi' is objectionable, I have not the least 3
objection to make it 'family.' But that expression would be strange to the people of Malabar who may not understand the incidents of 'joint-family property.' If 'tavazhi property' would be understood by everybody, I submit I do not see the slightest objection to the amendment. Tavazhi with reference to a woman has been defined as a group of persons consisting of that female, her children and her descendants in the female line. Tavazhi of a woman would include not only her children by a particular husband but all her children. But when I say tavazhi of a woman and her children by a particular husband, I submit it will not include her other children. My gravest objection to the clause as it stands is from the point of view of a lawyer inasmuch as it does not define the interest taken by the persons concerned. I cannot conceive of property which does not vest in a particular person or persons. Apparently under clause 48 the vesting has to be postponed till the woman has passed the child-bearing age. The vesting cannot be postponed so indefinitely. When a gift is made to the wife and certain children, I cannot understand how the property can fail to vest at once. If you want that property to go to the after-born children also the only way of doing it is to make it joint-family property, that is, either tavazhi or tarwad property. I support the amendment."

Mr. R. M. Palat:—"In my amendment the last words must be like this: 'by the wife and children by such person and their descendants in the female line'."

The amendment was put and carried.

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B. Pocker Sahib Bahadur :—" I move—

' *that the following proviso be added to section* 49 *as renumbered* :—

" *provided that any partition of such properties shall be subject to the conditions laid down in chapter VI of this Act except that the division of such properties shall be per stirpes.*" '

" The object of this amendment is this. The father gives certain roperties to his wife and such of the children as exist at the time of ie gift. In the absence of such a provision, according to section 49 s it stands the result will be that when either the wife or any of ie children or any of the descendants want partition, the partition iall be according to the provisions of chapter VI of the Bill. According to this provision, the division shall be *per capita*. But I think my on. Friends will agree with me that the intention of the donor, the ather or the husband as the case may be, is that all his children should ake in equal shares and not that some one of the children should beneit and the descendants of that child should take much more than any ther children. For instance, if a father has three daughters and two ons and one of the daughters has ten children while the other daughter ias one child, the result will be that the sons and also the other laughter who has only one child will take only, say, one-sixth or oneeventh of the whole property. Why should the daughter having arger number of children take a much larger share including the hares of all her children which will go in division *per capita*? I say t is not the intention of the donor that any one child should benefit t the expense of the others. His idea is that all children should take in equal shares and whatever is left should pass to their descendants, and I do not think that will be denied by anyone. With regard to the tavazhi properties the principle of *per capita* is prescribed by this Bill. That is no reason why the same principle should be applied where the intention is so clear and can be given effect to. We know what the intention of the donor is. So far as tarwad properties are concerned, it may be asked: why not the same principle apply? It has been in vogue from ancient times and any attempt to tamper with it will be met with practical difficulties. Not only that, the general idea is that it should be on a *per capita* basis. It is also as clear as the other idea that the properties given as gift by the father or the husband which is taken by the wife and the child as tavazhi properties should be divided on principle of *per stirpes* and not *per capita*. That consciousness in the people is quite clear. I have had discussions with many friends not only as to the idea that prevails among the people but also among the lawyers who are concerned with the administration of the Marumakkattayam Law. If clause 49 is left as now redrafted, the result will be that such of the children as might have got large number of children will take a lion's share of the property leaving the rest to take only such share as they will get. That will be interfering with and entirely in conflict with the intention of the donor. A question might be asked if maintenance is given

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or is claimed from this tavazhi property, on what principle is this to be granted. No doubt, maintenance is not given on any principle with reference to the total income of the property. In fact, if the granting of maintenance is on the principle of giving an adequate share for the maintenance, I can understand it. But maintenance is given not on the ground of any share of the income of the property but on the *principle of whatever is required by the member according to the* circumstances of the tavazhi. Now I would like to know where the donor intends to divide in equal shares whether it would be right for us to defeat that intention by leaving the clause as it is and without making another proviso that these tavazhi properties should go *per stirpes*. In order to carry out the intention of the donor as it is generally the case in Malabar and as has been given expression to also in many cases, we ought to add this proviso so that the partition of the tavazhi property should be *per stirpes* and not *per capita*."

* Mr. K. P. Raman Menon :—" I have great pleasure in seconding this amendment. It is necessary to make clear whether it is tavazhi property or tarwad property. Sir, I may state without hesitation and without fear of contradiction that as a matter of fact one acquires property for his wife and children and that permanently for their benefit and not for the benefit of other people's children. If the amendment which was just passed to the other section is to take effect, it would come to this. Suppose a man has got two daughters and one daughter has one child and the other daughter has a dozen children. This daughter with one child will get one-fifteenth while the other daughter will take away the remaining thirteen shares. That certainly will not be the intention of the donor. I believe the proviso should therefore be added."

* Mr. R. M. Palat :—" Sir, I am against this amendment because 3-
by the will or the deed of gift, whatever it is, the father could clearly P.
express his intention, and this clause is only for such cases as have not been clearly defined by a will or a deed of gift or such other instrument. I believe that many persons who died in Malabar leaving behind wives and children have left their properties to be treated as tavazhi properties rather than to be taken in equal shares by the children, whether males or females. The intention is that the female children and their descendants should take their share in the property. That has always been the principle in Malabar law, and I believe that it has been the intention of most persons who have bequeathed their properties in Malabar."

Sriman M. G. Patnaik Mahasayo :—" The question is whether the partition should be *per stirpes* or *per capita*. With regard to other property, it has been said that it should go *per capita*. Here also there is absolutely no reason why partition should not go *per capita*. It has been conceded that if there was any intention expressed in the deed or will, that intention should be given effect to. Here what really matters is, what is the presumption to be raised—whether this property should be taken as an accession to the tavazhi property, or taken as

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ordinary property. In the absence of an indication that it should not be treated as an accession, it should be taken as an accession to the tavazhi property and treated as such. I think that should be the presumption in the absence of any evidence to the contrary. So, I agree with Mr. Palat's contention rather than with Mr. Raman Menon and others who hold the other view."

* Mr. P. Appu Nayar :—" Sir, I cannot agree with the hon. Member who has just spoken. The logical result of a property being tarwad property is, according to the provisions of Chapter VI, that every member should have an equal right in it. The intention of the donor, which is invariably given effect to in Malabar, and the intention usually is that the children should take the property on the *stirpital* basis. That I find is also the consciousness of the people of Malabar. Many gentlemen from Malabar who have come to Madras in connexion with the Bill have expressed the view that the property given by the husband or father should be divided on the *stirpital* principle, except that the descendants' predeceased sons will take no share at all. I therefore support the amendment of my hon. Friend from Malabar. I would suggest that the proviso may be re-cast somewhat as follows: 'Provided that on partition, such properties shall, notwithstanding anything contained in Chapter VI, be divided among the members of the said tavazhi on the *stirpital* principle.' This will have the advantage of automatically excluding the descendants of predeceased sons."

B. Pocker Sahib Bahadur :—" I do not think I have to add anything by way of reply. So far as the intentions expressed here go, I think I have carried them out in my amendment. Though it may be expressed in other ways also, I do not think there is any serious objection to the form in which I have put it."

* The hon. Diwan Bahadur Sir M. Krishnan Nayar :—" I think with Mr. Raman Menon that the proviso might be left as it is, though it may be made better."

* The hon. the President :—" The amendment is:

> '*that to clause* 49 *as re-numbered, the following proviso be added* :—
>
> " *Provided that any partition of such properties shall be subject to the conditions laid down in Chapter VI of this Act except that the division of such properties shall be per stirpes* ".' "

The amendment was put and carried.

Clause 49, as amended and re-numbered was put and carried and was allowed to stand part of the Bill.

Clauses 50 *and* 51 (*old clauses* 49 *and* 50).

Clauses 50 and 51 as re-numbered were then put and carried and were allowed to stand part of the Bill.

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Schedule after clause 51.

* Mr. R. M. PALAT :—" I move—

'*that the following schedule be added after section* 51 *as re-numbered* :—

" *THE SCHEDULE.*

[See sub-section (1) of section 43]

List of impartible tarwads.

1. *The Zamorin's family consisting of* :
   (*a*) *Puthia Kovilakom situate in Thiruvanoor, Calicut taluk.*
   (*b*) *Patinhare Kovilakom situate in Mankav, Calicut taluk, and*
   (*c*) *Kizhake Kovilakom situate at Kottakal, Ernad taluk.*
2. *The Chirakal Kovilakom, near Cannanore.*
3. *The Nilambur Kovilakom in Nilambur amsam, Ernad taluk.*
4. *The Kizhake Kovilakom of the Kottayam Raja's family, Kottayam taluk.*
5. *The Thekke Kovilakom of the Kottayam Raja's family, Kottayam taluk.*
6. *The Patinhare Kovilakom of Kottayam Raja's family in Kottayam taluk.*
7. *Ayancheri Kovilakom in Purameri amsam, Kurumbranad taluk.*
8. *The Edavalath Kovilakom in Purameri amsam, Kurumbranad taluk.*
9. *The Ayiranazhi Kovilakom of the Walluvanad Raja's family in the Walluvanad taluk.*
10. *The Kadannamanna Kovilakom of the Walluvanad Raja's family in the Walluvanad taluk.*
11. *The Mankada Kovilakom of the Walluvanad Raja's family in the Walluvanad taluk.*
12. *The Aripu Kovilakom of the Walluvanad Raja's family in the Walluvanad taluk.*
13. *The tarwad from which the Kuthiravattath Nayar attains stanom, situate in Pulapatta amsam, Walluvanad taluk.*
14. *The tarwad from the Punnathur Raja attains stanom in Kottapadi amsam, Ponnani taluk.*
15. *The Venganad Kovilakom of the Venganad or of Kollengode Valia Nambidi.*
16. *The Mayapadi Raja's family of Kasargod taluk.*
17. *The Nileswar Raja's family of Kasargod taluk* ".' "

Mr. V. P. NARAYANAN NAMBIYAR :—" I second it."

The motion was put and carried, and the schedule was allowed to stand part of the Bill.

The Preamble was then put and carried and was allowed to stand part of the Bill.

* Mr. R. M. PALAT :—" I move at this stage that the third reading of the Bill be postponed to some time later."

* The hon. the PRESIDENT :—" If the motion for third reading is not made now, the third reading stands automatically adjourned."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Meanwhile, Sir, the Secretary to the Council and Mr. Appu Nayar may go through the amendments which have been accepted and see whether they fit in properly."

3-30 p.m. * The hon. the PRESIDENT :—" I shall pass on to Item No. I that has been adjourned the other day, the Nambudri Bill."

III.—THE MADRAS NAMBUDRI BILL (BILL No. 14 OF 1931).

* Mr. P. MADHUSOODHANAN THANGAL :—" Mr. President, I present the Select Committee Report[a] on the Nambudri Bill and move

' *that the Bill, as amended by the Select Committee, be taken into consideration* '."

Mr. V. P. NARAYANAN NAMBIYAR :—" I second it."

The motion was put and carried.

Clauses 1 to 8 were put and carried, and were allowed to stand part of the Bill.

Clause 9.

* Mr. V. T. ARASU :—" I move—

' For *clause* 9, substitute *the following* :—

" 9. *Notwithstanding any custom or usage to the contrary*—

(*i*) *any marriage contracted by a Nambudri male during the continuance of a prior marriage, either in his own community or outside, shall be void ; and*

(*ii*) *every major male Nambudri shall, subject to the provisions of section 5 of the Madras Marumakkattayam Act, 1932, and any other law for the time being in force, be at liberty to marry in his own community.*" '

" The only new clause that I have inserted in the amendment is sub-clause (*i*). The effect of the amendment would be to compel every Nambudri male to observe monogamy. Sir, it was only yesterday that this Council gave its verdict on the question whether polygamy or monogamy should be the rule, that clause 5 of the Marumakkattayam Bill lays down that monogamy shall be the rule in regard to communities which are governed by the Marumakkattayam law. When that is so, I fail to see why Nambudris who also are people living on the West Coast and governed by the same law should not be compelled to observe monogamy. I need not say anything more on it as the Council has already given its verdict on the question."

Mr. ABDUL HAMEED KHAN :—" I second it."

[a] Published in the *Fort St. George Gazette*, dated 30th August 1932.

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* Mr. K. P. RAMAN MENON:—" I am one of those who advocate monogamy, and I have also tabled an amendment with reference to it. So far as the Nambudris are concerned, for the information of you, Sir, I may state that among Nambudris, as I observed yesterday in another connexion, it is only the eldest male member who usually marries a caste wife. I do not think there is any sastric prohibition to others marrying, but the custom is that the eldest son marries and the son born to him is the person to perform the shraddas not only to that man, the father, but also to his brothers, grandfather, great-grandfather, etc., according to the Hindu sastras. On account of this custom, inasmuch as men and women are born in equal numbers in all communities, it so happens that there are very many elderly spinsters in the Nambudri community, and one of the methods which was resorted to by the Nambudris for getting rid of these spinsters, was to allow the eldest male Nambudri to marry more than one wife, that is, to have plurality of wives at one and the same time. There is some alleviation in that way to the position of these women who would otherwise go without marriage at all. That was the only sort of solace that was held out to them. It may be interesting to know, that the Nambudri community which at one time—at any rate, that is the tradition—consisted of people distributed over 64 gramams, or villages, each village consisting of 3,000 houses, founded by Parasurama—so the tradition goes—has now dwindled to 10,000 or 15,000 houses in all Malabar, Travancore and Cochin naturally on account of this custom of permitting the eldest member of a house alone to marry and the other younger men consorting with Nayar women. To prevent the extinction of the Nambudri race is one of the objects of this Bill and we hope to achieve it by rousing the consciousness of the Nambudri people to the desirability of every Nambudri male marrying a Nambudri girl. That is the first enabling section in this chapter, namely, clause 9 of the Bill. So, I think there can be no objection to Mr. Arasu's amendment. We have omitted in the Select Committee the provision for monogamy. I may say, Sir, that so far as the Nambudris are concerned, the younger section, that is 90 per cent of them, have in no unmistakable terms stated on the platform, in the press and by memorials, that they are out and out for monogamy; and if you will only look into the memorials sent by the Nambudri ladies from various parts of Malabar, you will find harrowing details of the life they are living.

" Now, there are instances of Nambudri gentlemen marrying wives for the repair of his tank or of his illom. It will be an enigma to you, I shall just explain it. A Nambudri gentleman happens to have a wife and five or six children. He will be, say, aged about 45. His family house has gone to ruin, and the bathing ghats in his tank are also gone into despair. He has to repair them, for which he marries a Nambudri girl which may fetch him Rs. 2,000 or Rs. 3,000, with which he rebuilds his house and repairs the tank. This sort of thing is going on almost every day in Malabar. So that under the Hindu sastras, although the Brahmans are allowed

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to marry only one wife and marrying a second wife is subject to so many conditions that are laid down in the sastras, these injunctions are given the go-by absolutely by the Nambudri who is supposed to be a very orthodox person and to whom the sight of an untouchable is a sin. He is violating every text of the Hindu sastra wherever this question of marriage comes in. This is not all. When a Nambudri has a daughter to be married, he takes a girl from another family and gives his daughter in exchange to the eldest member in that family. It is more or less like exchange of chattels. Then what is the position of women when they go into the household of their husbands? Naturally, no man can be trusted to keep his affections evenly distributed among the half a dozen wives, and he must give preference to one or the other. The result is others are miserable. They are even denied a mat to lie on. These women married as second and tertiary wives of the Nambudris do not get the benefits of marriage. Moreover, a Nambudri is anxious that he does not produce too many children. So that practically he denies them their primary rights of marriage. So they are condemned to single existence, although married. You gentlemen on this side of the House, and you, Sir, must be familiar, or at any rate have heard, of the terrible sufferings of the daughter-in-law under the guidance of the mother-in-law. Junior wives have to bear all these at the hands of the senior or the favourite wife. The younger generation of Nambudris have revolted against this. They want younger members to marry and to set their women on their proper level. We do accept that position, and try to give effect to their wishes. We certainly are not going to say that the marriages that have hitherto taken place are invalid. We want to put an end to polygamy and to say '*thus far and no farther*.' 'Do not perpetuate this infamy; do not marry more than one wife.' I would say that if possible such a restriction should be introduced into the Hindu law itself. But that is neither here nor there. When we are legislating for Nambudris, we are certainly right in proceeding in that direction, and I welcome this suggestion with the greatest pleasure."

Sriman M. G. PATNAIK Mahasayo:—"Sir, just now we heard from my hon. Friend, Mr. Raman Menon, about the difficulties which the Nambudri women are feeling. There is also another side of the picture which has to be considered. In certain families, at all events in Malabar, the girls of other castes such as Nayars and others are given in marriages to Nambudri Brahmans. The other caste people consider it as meritorious to give their daughters to Nambudri Brahmans. In such a case what will happen to these high and big families if we introduce such a prohibitory provision and prevent them from giving their daughters in marriage to Nambudri Brahmans? They may not like to give their daughters to members of their own community. As a matter of fact, they will be reluctant to do so. In such a case there will be some difficulty. Of course I am in favour of the amendment. But in Malabar there are certain big families such as the Zamorin family and others who always give their daughters to Nambudri men in marriage. In such

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cases, there will be difficulty. What I say is, if those people give their daughters to a Nambudri Brahman, such a marriage will be invalidated under this Bill. According to the old sastras, these Brahmans are allowed to marry girls of Kshatriya caste or the Sudra caste, and if any of the Nambudris marry a girl in the Zamorin's family, will a male member of the Zamorin's family be entitled to marry a Nambudri girl? The very difficulty that the framers of this Bill want to avoid will happen. This Bill is primarily intended to put an end to the sufferings of the Nambudri women. If a person in a Zamorin's family who gives his girl in marriage to a Nambudri Brahman is not allowed to marry a Nambudri girl, it will be very difficult for Nambudri girls, because they are not allowed to marry anybody else except a Nambudri male. At all events, until a social adjustment is made, they should be permitted to take more than one wife. The society may adjust itself in course of time. But if by one stroke of the pen such marriages are prohibited, there will be immense difficulty. Of course, I am in favour of such marriages being discouraged, but not altogether entirely prohibited at this stage. There will be difficulty with regard to women of Nambudri community, but also with regard to women belonging to other communities. I am not encouraging completely such marriages, but I am against total prohibition of such marriages. Therefore, I am not in favour of the present amendment."

* Mr. V. T. ARASU:—"From the opinions expressed by some of the hon. Members of this Council, I understand that the Nambudris are not in favour of such an amendment. They want to add certain conditions such as 'where the wife is afflicted with an incurable disease for more than five years or where the wife has not borne him any child within ten years of her marriage and so on.' With such conditions, they want this amendment to go. In view of the fact that leaders of the Nambudri community are very anxious that these conditions should be incorporated in the amendment, I beg to withdraw my amendment so that Mr. Shetty or Mr. Bhatt who may have given notice of regular amendments with the necessary saving provisions may move the same."

The amendment was, by leave, withdrawn.

Clause 9 was put and carried, and was allowed to stand part of the Bill.

Clause 10 was put and carried, and was allowed to stand part of the Bill.

New clauses after clause 10.

Mr. U. C. SUBRAHMANYA BHATT:—"Mr. President, I beg to move—

'*that the following new clauses be added after clause* 10:—

"10 *A. No Nambudri who has a Nambudri wife living shall marry another Nambudri woman except in the following cases:—*

(*a*) *where the wife is afflicted with an incurable disease for more than five years;*

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(*b*) *where the wife has not borne him any child within ten years of her marriage ;*

(*c*) *where the wife has become an outcaste.*

10 *B. Any Nambudri male who contracts a marriage in contravention of section* 10 *A shall be punished with fine which may extend to Rs.* 1,000;

10 *C. Any person who conducts, directs or abets in the performance of any marriage in contravention of section* 10 *A shall be punished with fine which may extend to Rs.* 100.'' '

'' The reason why this amendment is sought to be effected is quite clear. As my hon. Friend from Malabar, Mr. Raman Menon, just dealt with while discussing the previous amendment, it is quite clear that the lot of Nambudri women under the existing law of polygamy is very hard and some relief is to be given to them. In this connexion, many Nambudri women have flooded us with their requests to see that monogamy is imposed in a limited form and it is to meet their wishes that this amendment has been sought to be moved. Nambudris being Brahmans and the obtaining of a son for their spiritual benefit being essential, this monogamy and polygamy have to be reconciled and this amendment seeks to enforce monogamy in a restricted sense giving such of the Brahmans who have either got wives, who have passed the age of child-bearing, or who have got wives suffering from incurable diseases, making it impossible for the husband to carry on marital relations with her, an opportunity to marry another wife. Such being the case, I have great pleasure in moving this amendment which has got the approval of the majority of the Nambudris.''

* Mr. A. B. SHETTY :—'' I beg to second this amendment. I have given notice of an amendment similar to this. The Council has expressed its opinion clearly and strongly in favour of monogamy. I do not think it is necessary for me at this stage to make any further remarks about the necessity for enforcing monogamy. The Nambudri community has expressed itself very strongly against polygamy which they regard as a great curse to their well-being and progress. There was a clause in Mr. Thangal's Bill as originally introduced in the Council penalizing polygamy except in certain specified circumstances. This amendment has been tabled at the instance of certain responsible members of the Nambudri community and I hope it will meet with the acceptance of the House.''

Mr. SAMI VENKATACHALAM CHETTI :—'' I beg to move—

' *that the word '' Nambudri '' in line 2 of the new clause just now proposed by my hon. Friend Mr. Subrahmanya Bhatt be omitted*

so that the amended clause would mean that a Nambudri may marry another woman except in these cases which have been referred to in Mr. Bhatt's amendment.'

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" I take it that the most important thing which this amendment seeks to effect is that there are a large number of Nambudri women who on account of certain prevalent custom are not able to secure Nambudri husbands and therefore they have got to spend their lives in spinsterhood.

" The House feels that such a state of affairs should be put an end to by persuading or compelling the junior members of Nambudri families not to marry outside their caste. But so long as the choice of marrying Nayar women is given to the senior and junior members of Nambudri families, the number of unmarried Nambudri women will remain the same if it does not increase. If we want to reduce the number of unmarried Nambudri women monogamy should be encouraged. According to the amendment suggested by Mr. Bhatt it is illegal for a Nambudri gentleman to marry a Nambudri woman while his Nambudri wife is already living. It is not illegal for him to marry a Nayar woman when his Nambudri wife is living. I take it it is illegal under the Marumakkattayam law in the sense that the sons and daughters of the second wife will be disinherited. If you agree that such a marriage is to be made illegal under the provision of an Act which we have just now passed, what prevents you from incorporating the same section in this Bill also? On the other hand while making that prohibition in one Act and allowing it in some sort of way in another Act—that is what you do when you prevent monogamy only in the case of marriage with a Nambudri woman—you are practically counteracting the effects of the previous Act. Anyhow I should like to be enlightened on this point. I think that Mr. Shetty's amendment which does not mention a Nambudri wife in particular will be better than the one proposed by Mr. Bhatt. At any rate I should like to hear from the hon. Member from Malabar as to how the restrictions proposed in the other Bill are made to apply in actual practice to marriages contracted under this Act." 4 p.m

* Mr. K. P. Raman Menon :—" The hon. Member, Mr. Sami Venkatachalam Chetti, I understand, wants to delete the word ' Nambudri ' in line 2 of the amendment moved by Mr. Bhatt. If that was done the effect would be that no Nambudri who has a Nambudri wife living could marry another woman except under certain circumstances. The hon. Member must be aware that so far as Nambudris are concerned sons born to them in any other caste than the Nambudri caste cannot perform and do not perform actually the necessary srardhas to their parents after their death. What we aim at here is to enable a Nambudri man to marry a second caste wife for the purpose of the objects mentioned in the Hindu Sastras, that is to have a son to perform the funeral ceremonies and the srardhas. The entire object will be lost if the word Nambudri is omitted from the second line. Section 4 of the Act just now passed says :—

' 4. (1) Save as provided in section 5, the conjugal union of a Marumakkattayi female with a male not belonging to such community '

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that is evidently a Nambudri or Brahman community,

'shall be deemed for all purposes to be a legal marriage.'

if certain conditions mentioned herein are satisfied. We provide in section 4 for the validation of marriages contracted by Marumakkattayi women with non-Marumakkattayi men subject to certain conditions which are also mentioned in clause 5. Clause 5 says:

'5. (1) During the continuance of a prior marriage which is valid under section 4, any marriage contracted by either of the parties thereto on or after the date on which this Act comes into force shall be void;

(2) On or after the said date, any marriage contracted by a male with a Marumakkattayi female, *during the continuance of a prior marriage of such male*, shall be void, notwithstanding that his personal law permits of polygamy.'

"So that a Nambudri gentleman whose personal law, he being a Hindu, permits of polygamy cannot marry a Marumakkattayi female while his Nambudri wife is living. If he does so his marriage will be void. It is only a marriage that does not offend against the provisions of section 5 that is declared valid under section 4. Therefore any marriage contracted by a Nambudri gentleman with a non-Nambudri woman while he has a Nambudri wife or more than one Nambudri wife is absolutely void after the passing of these two companion Acts. There is no necessity to delete the word 'Nambudri.' On the other hand if we delete the word we fall into this difficulty. This is an enabling section. It enables the Nambudri to marry a second caste wife for the purpose of having male children to continue his line and perform his srardhas. The ordinary rule is monogamy, but under certain circumstances he can marry another caste wife but not a Nayar wife. If Mr. Sami Venkatachalam Chetti looks at section 4 of the Bill which has just been passed and considers the implications there and then thinks over the object of this clause he will see that the amendment is unnecessary and should be withdrawn."

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, the little donbt that I had that there might be some grounds for withdrawing my amendment has now gone and I am more than ever convinced that my amendment is necessary and should be pressed. First of all I do not propose to remove the restrictions that are placed over a second marriage whether it be with a Nambudri woman or a non-Nambudri woman. My hon. Friend will agree that monogamy being our aim these restrictions should be there. But what I do not understand is why a marriage should be prohibited if it is with a non-Nambudri woman and should be permitted if it is with a Nambudri woman. As regards the performance of srardhas, if a Nambudri has no sons by his first wife, let him marry again, but he can just as well marry a Nayar wife as a Nambudri wife. (The hon. Sir M. Krishnan Nayar: 'No, no.') So long as the conditions mentioned here are fulfilled, I suppose a Nambudri gentleman can marry any other woman for a second time."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"No, not a non-Nambudri woman."

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Mr. SAMI VENKATACHALAM CHETTI :—" He can marry only a Nambudri woman ; otherwise he cannot marry again. Is that the position ?"

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Yes."

Mr. SAMI VENKATACHALAM CHETTI :—" The punishment for disobeying this provision is contained in the other Bill."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" No, no."

* Mr. P. APPU NAYAR :—" I am afraid my hon. Friend is under a misapprehension with regard to the application of this provision. According to the Marumakkattayam Bill which applies only to the case of marriages contracted with marumakkattayam females, a Nambudri who has already contracted a marrige with a marumakkattayam female cannot marry either a marumakkattayam female or in his own community. Any such marriage will be absolutely void. The penalty for contracting a marriage in contravention of that provision is that prescribed under section 494 of the Penal Code. This Council is committed to that position. Under this Bill, if you omit the word 'Nambudri' it will enable a Nambudri who has got a Nambudri wife to marry a Nayar woman if the conditions mentioned in this clause are fulfilled but such a marriage is prohibited by the other Bill. But what we want to do is to permit a Nambudri who has a Nambudri wife, to marry another Nambudri wife if certain conditions, namely, those mentioned in clauses (a), (b) and (c) are fulfilled. If he contravenes the provisions of this clause, he will be liable to a penalty of Rs. 1,000 but the marriage itself will not be void. When a Nambudri marries a Nambudri woman a second time, the second marriage is not invalid. A Brahman woman's marriage is a sacrament; we should not make it invalid. As in the Sarda Act, only a monetary penalty is imposed upon the person who takes a second wife in contravention of these provisions in order to discourage such marriages."

Mr. SAMI VENKATACHALAM CHETTI :—" I only want to know whether this is independent of the Act just now passed by the Council."

Mr. P. APPU NAYAR :—" Absolutely independent. The idea is to enforce monogamy and to permit polygamy only in exceptional cases laid down in the clause. The penalty is a fine only and not imprisonment or invalidation of the marriage. The principle of the Sarda Act has been followed by Mr. Bhatt in his amendment. He says that a Nambudri cannot marry a second wife, but if his first wife has the misfortune not to bring forth a child he may marry again after a probation of ten years. But the penalty for a second marriage without such justification is Rs. 1,000. The second marriage is all the same valid. But if you omit the word 'Nambudri' it will mean that a Nambudri can marry as second wife a Nayar woman, but that marriage will be void under the Marumakkattayam Bill. Hence the importance of the word 'Nambudri' in the amendment."

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* The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"May I say one or two words about the amendment as it stands? It says that no Nambudri can marry another Nambudri woman while his Nambudri wife is living unless one of the conditions mentioned in the clause is satisfied. Mr. Sami Venkatachalam Chetti wants to omit the word 'Nambudri.' The clause will then mean that no Nambudri who has *a Nambudri wife living shall marry another woman* except under certain conditions. The object of this section is this: Generally monogamy is enforced, but if it so happens that a Nambudri gentleman has no sons—according to Nambudri ideas and according to Brahman ideas generally, if a man has no son he goes to a hell known as 'Puth' '*narakam*'—*he may be allowed to marry a caste wife* a second time in order to enable him to have children who are capable of performing his srardhas and prevent his soul from going to hell.

"According to orthodox Nambudri ideas, children capable of performing srardha to the soul of a Nambudri, must be begotten by caste Nambudri woman. Children begotten by marrying a woman of a Nayar family will not save his soul from going to hell. It is for the purpose of saving his soul from going to hell, a Nambudri should be permitted to marry a second time, if his wife is incapable of bearing children for a period of ten years or if she has been suffering from some incurable disease. In order to enable a Nambudri to have children capable of performing srardha—such children should be had only by a Nambudri woman—he is allowed to marry a second time. It is absolutely essential that the words 'Nambudri woman' should be there."

Mr. Sami Venkatachalam Chetti:—"In order to save Nambudris from going to hell, I do not press my amendment."

* Mr. V. T. Arasu:—"Sir, while supporting the amendment, I wish to make a few observations. One of the conditions to be fulfilled before taking a second wife is, 'if the wife is afflicted with an incurable disease for more than five years.' I cannot for one moment understand why a woman who has been married by a man should be cast off simply because she has contracted some disease or other. It may be that the husband himself may have been the active agent for the disease contracted by the wife. It is so in 90 per cent of such cases. It is beyond my comprehension that the man should be permitted to cast her off and allowed to marry a second wife. The second condition is, 'if the wife has not borne any children within ten years of her marriage.' As regards this point, medical authorities have demonstrated beyond doubt that it is only one woman out of a thousand that is found to be sterile. If a woman is not able to bear children, it is due to some latent defect in the man. It is ridiculous that that should be considered as a valid ground for a man to cast off his first wife and take a second one. The third condition is, 'if the wife has become an outcaste.' I think what the hon.

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Mover of this means, is the pernicious practice of what is known as 'kalavicharam.' How this 'kalavicharam' is inflicted on certain ladies is perhaps too well known to hon. Members coming from the West Coast. From opinions submitted to this House, I understand that 'kalavicharam' is *inflicted on ladies on very flimsy grounds.* I understand that, if a Nambudri lady dares to come out without purdah, she is ostracised, i.e., she must go out of the community. I want hon. Members to think twice before they adopt this amendment. I am not in favour of these enabling clauses. But as there appears to be a concensus of opinion among the Nambudris who are affected by this measure, in favour of the amendment, I am constrained to support the amendment, however much I may wish that the latter portion of the amendment is deleted."

Mrs. K. Alamelumangathayaramma then spoke in Tamil to the following effect:—

"Mr. President in regard to the question of monogamy it is highly necessary that the customs and habits of the Nambudri community should be reformed. These customs which are prevalent among the high castes in Malabar suffer by contrast with those in other parts of British India. It is a matter for regret to note that justice has not been done to the womenfolk of the community. In the Nambudri community, many girls are spending their lives without marriage. If the eldest member of the family marries, the other brothers should marry, or as it is called 'Sambhandam' with girls of lower castes. If this is the case, what is to be the lot of girls of that community? Without marriage, their lives are subject to all sorts of evils. Many girls have to marry one man. Old men of 50 or 60 years marry girls of 10, 15 or 20 years. Polygamy is rampant. What a deplorable state of affairs? Such family life is productive of grave evils and little pleasure. It will be only hell on earth. The women in the family will be constantly quarrelling, and misunderstanding and troubles will arise between the husband and his wives. Such pernicious practices should be thoroughly removed is the cry of my sisters belonging to the Nambudri community. I have received a mass of letters about 300 in numbers, telegrams and reports of meetings in various places requesting me to strongly advocate the abolition of polygamy. Some of these have been signed by a large number of Nambudri women. They have also sent similar representations to the Government. Being a representative of women, it is my duty to plead their cause and advocate their view-point, and so I would like to read one or two of those representations.

"A telegram from Mr. Vasudev Nambudri of Perintalamanna says: 'Retain provisions penalising polygamy, Nambudri Bill.' Another telegram from Trichur from Srimathi Purakudingath Neeli Andharjanam says: 'Pray, remove polygamy by Nambudri Bill.' The Nambudri Yuva Jana Sangam and the Nambudri Yogakshema Mahasabha have also sent copies of their *resolutions advocating aboli-*

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tion of polygamy. A manifesto signed by many prominent Nambu ladies runs as follows:—'We, the Nambudri women of Malab are disappointed to note that the Select Committee Report on t Nambudri Bill does not in any way help to check polygamy in o community. This is the greatest evil custom we are a prey to. A other evils follow as a matter of course. All our domestic happin is wrecked on account of this monstrous custom. Neglect in tl matter is suicidal to the future of our community. Mr. V. P. Nar yanan Nambiyar has rightly remarked in his minute of dissent th "if the Bill is to be the blessing that it is hoped it should be, it shou accept monogamy as a fundamental principle and enforce it among t Nambudri community." So, we beg of you to take all necessa steps to provide for the complete prohibition of this iniquitous practi in our society.'

"Another petition submitted by Nambudri women says: 'We Nar budri women suffer from many social miseries. To mention here on two of them; one is the difficulty in getting our girls married; two, t custom of polygamy. These can be alleviated only by universalizi caste marriages among Nambudris and by prohibiting polygamy.'

"In our Council the hon. the Law Member, who is himself a educated Malayali, knows fully well all the disabilities under whic the Nambudri women are suffering from, and he is in a better pos tion to remedy those disabilities, by correcting the defects in tl present law. The customs and habits in Malabar are unheard of other civilized countries such as England. Now educated Malaya ladies, such as Srimathi Parvathi Nenminimangalam of the Coch Legislative Council, have come to the forefront to demand a reform the present marriage system.

"Therefore I appeal to the hon. the Law Member and other Membe of the Council to support this beneficent piece of legislation which brin justice and freedom to my sisters of the Nambudri community."

4-30 p.m. B. POCKER SAHIB Bahadur:—"Mr. President, Sir, in view of tl expression of opinion in this House as to what the feeling of the Nan budri community is on this matter, I do not want to give expressio to my personal views, but I only want to move an amendment in ord to carry out the object of the amendment now before the House. only propose to add a few words at the end of section 10-B. Sectio 10-B as it stands now runs as follows:—

'Any Nambudri male who contracts a marriage in contravention of sectic 10-A shall be punished with fine which may extend to one thousand rupees.'

"I want to add the words—

'*but a marriage so contracted shall not be deemed to be invalid*

at the end in order to make the object clear. It has been pointed ou by the mover as well as by other speakers that it is not intended b

this amendment that the validity of the marriages should in any way be affected. My only object is to make that intention clear, by the addition of these words."

Mr. YAKUB HASAN :—" Mr. President, Sir, I second this amendment. Though the addition of these words is not necessary, and though the clause as it is shows that the marriage will not be void, yet, to be on the safe side, this additional amendment may be accepted by the House."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" May I make one suggestion? It is more or less a verbal amendment that I want to propose. It is stated here that at the end of clause 10, clauses 10-A, 10-B and 10-C should be added. Of course when there is an Act already in the Statute Book and when we want to move amendments to any section therein, it is necessary for us to number certain sections as A, B or C. But here we are enacting a law for the first time. So, I suggest—' *that after clause 10, the new clauses now introduced, viz., clauses 10-A, 10-B and 10-C, may be re-numbered as clauses 11, 12 (1) and 12 (2) and that the subsequent clauses be re-numbered accordingly* '."

Mr. K. P. Raman Menon seconded the amendment.

Mr. U. C. Subrahmanya Bhatt accepted Mr. Pocker's amendment.

* The hon. the PRESIDENT :—" I shall now put the amendment of Mr. Krishnan Nayar to the vote of the House. The question is:

> ' *After clause 10, re-number new clauses 10-A, 10-B and 10-C as clauses 11, 12 (1), 12 (2), and re-number the subsequent clauses* '. "

The amendment was carried.

* The hon. the PRESIDENT :—" I will now put Mr. Pocker's amendment to the vote of the House. The question is:

> ' *That the words " but a marriage so contracted shall not be deemed to be invalid " be added at the end of re-numbered clause 12 (1)* '."

The amendment was carried.

* The hon. the PRESIDENT :—" Mr. Subrahmanya Bhatt's amendment, as amended by the amendment of Mr. Krishnan Nayar and by the amendment of Mr. Pocker, is now for the vote of the House. The question is:

> ' Add *the following new clauses after clause* 10 *and* re-number *the subsequent clauses accordingly and make the necessary alterations in the internal references :—*
>
> 11. *No Nambudri who has a Nambudri wife living shall marry another Nambudri woman except in the following cases :—*
>
> (a) *Where the wife is afflicted with an incurable disease for more than five years.*

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(b) Where the wife has not borne him any child within ten years of her marriage.

(c) Where the wife has become an outcaste.

12. (1) *Any Nambudri male who contracts a marriage in contravention of section 11 shall be punished with fine which may extend to one thousand rupees; but a marriage so contracted shall not be deemed to be invalid.*

(2) *Any person who conducts, directs or abets the performance of any marriage in contravention of section 11 shall be punished with fine which may extend to one hundred rupees*'."

The amendment was carried and clauses 11 and 12 were put and carried and were allowed to stand part of the Bill.

Clauses 13 *to* 18.

* The hon. the PRESIDENT:—" The question is:

'*That clauses* 13 *to* 18 *as re-numbered, i.e., old clauses* 11 *to* 16, *do form part of the Bill*'. "

The motion was carried and clauses 13 to 18 were allowed to stand part of the Bill.

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I may be excused for interrupting you, Sir. In some of the sections there are references to some of the previous and subsequent sections. For instance, in the old clause 13, it is said that 'Nothing contained in section 12 shall be deemed . . . ' That will have to be changed into section 14 now."

* The hon. the PRESIDENT:—" Yes."

Clauses 19 *to* 26.

The hon. the PRESIDENT:—" The question is:

'*That clauses* 19 *to* 26 *as re-numbered do form part of the Bill*'."

The motion was carried and clauses 19 to 26 as re-numbered were allowed to stand part of the Bill.

Clause 27.

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I do not propose to move the amendment of which I have given notice, Sir."

Clause 27 as re-numbered, i.e., old clause 25, was put and carried and allowed to stand part of the Bill.

The Preamble was put and carried and allowed to stand part of the Bill.

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[*] The hon. the PRESIDENT:—"The further consideration of the Bill will be taken up day after to-morrow when the Council meets next. After the non-official business is over, the official business will be taken up."

[*] The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"This may be taken up, Sir, as soon as the question time is over."

The House then adjourned to meet again at 11 a.m. on Saturday, the [a] 5th November 1932.

IV.—PAPERS LAID ON THE TABLE OF THE HOUSE

1. [b] *C.O. Note No. 25096-3, Public (Police), dated the 29th October 1932, with reference to question No. 155 answered on 5th August 1932.*

2. [c] *Extract from the Report of the Indian Franchise Committee regarding the establishment of Second Chambers in Provinces.*

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

[a] Further adjourned to Monday the 7th November 1932 by the hon. the President and the fact was communicated to Members of the Legislative Council by a demi-official.

[b] Printed as Appendix XII on pages 504–506 infra.

[c] Printed as Appendix XIII on pages 506–510 infra.

APPENDIX I.

[*Vide* answer to question No. 311 asked by Mr. Abdul Hameed Khan at the meeting of the Legislative Council held on the 3rd November 1932, page 394 *supra*.]

G.O. Ms. No. 81, Law (Education), dated 11th January 1929.

READ—the following paper:—

G.O. No. 151, Finance (Pension), dated the 9th June 1925.

Order—Ms. No. 81, *Law (Education), dated* 11*th January* 1929.

Under rule 3 of the rules issued in G.O. No. 654, Public, dated the 6th August 1928, as modified by G.O. No. 32, Public, dated the 8th January 1929, the pay of M.R.Ry. Rao Bahadur R. Krishna Rao Bhonsle Avargal, Secretary to the Commissioner for Government Examinations, is fixed with effect from 1st January 1929 at Rs. 375 a month. He is also permitted to draw his pension in full in addition to the pay now sanctioned.

2. The Commissioner for Government Examinations is requested to submit a re-appropriation statement in the prescribed form for meeting the additional expenditure in the current year.

(By order of the Government, Ministry of Education and Local Self-Government)

J. VENKATANARAYANA,
Secretary to Government.

To the Commissioner for Government Examinations.
,, Accountant-General through the Finance Department.
,, Finance Department.
,, Public Department.

APPENDIX II.

[Vide answer to question No. 314 asked by Mr. Basheer Ahmed Sayeed at the meeting of the Legislative Council held on the 3rd November 1932, page 400 supra.]

Serial number and name of quarters. (1)	Name and designation of occupant. (2)	Pay on 1st April 1929. (3)	Pay on 1st April 1930. (4)	Pay on 1st April 1931. (5)	Pay on 1st April 1932. (6)	Service. (7)
Rent free-quarters.		RS.	RS.	RS.	RS.	
1. Jeypore Block I floor centre.	Miss D. dela Hey, Principal ..	1,350	1,350	1,350	1,350	18 years.
2. Store Block ground floor north.	Miss E. Kallian Kutty	..	..	..	125	3 „
3. Store Block ground floor south.	Miss T. Joseph, Assistant Professor of History.	425	450	475	500	15 „
4. Jeypore Block ground floor north.	Miss K. M. Myers, Professor of English.	750	825	1,075	1,100	18 „
5. Jeypore Block ground floor south.	Miss C. K. Kousalya, Professor of Natural Science.	360	380	400	425	21 years, vacant for the present.
6. Pentland Block ground floor north.	Mrs. H. Gnanadurai, Assistant Lecturer in English.	..	..	..	150	3 years.
7. Pentland Block ground floor south.	Miss A. Devakiamma, Assistant Lecturer in Sanskrit.	135	135	135	140	4½ years.
8. Capper House ground floor south.	Mrs. E. Breag, House-keeper ..	..	..	65	69	2 years.
9. Beach House first floor north.	Miss U. Devakiamma, Assistant Lecturer in History.	145	150	155	160	7 years.
10. Beach House first floor south.	Miss M. M. Mehta, Lecturer in Chemistry.	..	..	500	500	2 years.
11. Sankara Ayyar bungalow ground floor north.	Miss L. Rangacharlu Assistant Lecturer in Chemistry.	..	125	130	135	5 years.
12. Sankara Ayyar bungalow ground floor south.	Miss I. Gunther, Acting Professor of History.	550	575	575	575	20 years.

Serial number and name of quarters. (1)	Name and designation of occupant. (2)	Pay on 1st April 1929. (3)	Pay on 1st April 1930. (4)	Pay on 1st April 1931. (5)	Pay on 1st April 1932. (6)	Service. (7)
		RS.	RS.	RS.	RS.	
Rented quarters.						
3. Military quarters easter half.	Mrs. E. J. Pichai Pillai, Doctor ..	..	..	105	110	5 years.
4. Military quarters western half.	Mr. Henry Hussay, Sergeant ..	58	60	62	64	8 ,,
5. Beach Home ground floor south.	Mrs. D. R. Arulananthan, Professor of Mathematics.	380	380	400	425	18 ,,
6. Beach Home central room..	Miss D. Dias, Assistant Lecturer in French.	..	..	125	130	1½ ,,
7. Beach Home ground floor north.	Miss H. Orme, Physical Training Directress.	..	..	75	75	1 year.
8. Sankara Ayyar bungalow first floor north-east.	Miss S. Chakko, Demonstrator ..	..	..	65	65	Do.
9. Sankara Ayyar bungalow first floor south-east.	Mrs. M. Lakshmi Ammal	340	360	380	400	11 years.
0. Sankara Ayyar bungalow first floor north-west.	Miss C. Ammu, Malayalam Pandit.	..	..	75	80	2 ,,
1. Sankara Ayyar bungalow first floor south-west.	Miss C. K. Ratnavati, Demonstrator.	..	..	..	65	Appointed in July 1932.

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APPENDIX III.

[Vide answer to question No. 317 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 3rd November 1932, page 403 supra.]

Copy of reference from the Commissioner of Excise, C.R. No. 5922, Abk. 32, dated 25th July 1932.

The Commissioner begs to submit for the orders of Government the following report of inspection of the Salem dry area constituted by parts of the taluks of Trichengode and Namakkal and part of the sub-taluk of Rasipur. In his earlier reports and in his late arrack proposals for the current lease, the Commissioner stated his opinion that the experiment of prohibition in this area had definitely failed. This opinion was based on reports received from time to time and on a review of the alarming increase of Abkari crime in the area. Government did not think fit to accept the Commissioner's recommendation. The Commissioner therefore decided to make this personal inspection in order to satisfy himself as to the conditions obtaining in this area.

2. The inspection commenced on the 28th June at Rasipur and finished at Salem on the 7th July. Most of the villages in which shops had been closed were visited and personal enquiries made and the Commissioner also received deputations at convenient centres from villages in which shops had been closed and from neighbouring villages which there was not time to visit.

3. The original closure of shops was ordered in January 1930 at the instance of M.R.Ry. Diwan Bahadur R. Ramachandra Rao Avargal, C.S.I., who was then interested in Rural Reconstruction in the villages of Elur and Olaipatti of Rasipur sub-taluk and in the Co-operative Bank at the former village, and of M.R.Ry. C. Rajagopalachariar Avargal, then secretary to the prohibition committee of the National Congress and residing at the Gandhi Ashram, Trichengode; and at their instance was extended a few months later. The Commissioner, Mr. Cotterell had visited the area and found a considerable volume of opinion amongst the drinking classes in favour of closing shops while the non-drinking protagonists of prohibition also were strongly in favour of closure.

4. The present Commissioner has found throughout the area a strong opinion not only amongst the classes who resort to drink but also with some exceptions amongst employers of labour, village officers who do not drink and others in favour of re-opening the shops that were closed, in short, of writing off the experiment as a failure. In Nallur village, in one of the two weaving communities of Trichengode, that were visited, and also in the Elur village in which is still resident an Inspector of the Co-operative Bank, some opposition to the re-opening of shops was offered. For example, the President of the Village Panchayat, Elur, a Kavandar, who has since submitted a representation to the hon. Minister direct and M.R.Ry. Sivasamba Ayyar, Inspector of the Co-operative Bank, represented the case of those opposed to the re-opening of shops. Wide publicity was given to the fact that the

ommissioner was making a tour of inspection in this area and it was nerally understood that representations in the matter whether for or ainst the re-opening of shops might be made.

5. The Commissioner has noted all the villages in which arguments r the existing prohibition were put forward; and his conclusion is at there is an overwhelming pronouncement from the people most ncerned, viz., the drinking classes and from respectable people who e not now under the influence of Congress propaganda, that the closure as a mistake and that re-opening is a necessity. One copy of an English etition and translations of mahazars received during the tour are closed* for information. The Commissioner verified many of e signatures on the spot. This is an undoubted change of front from e time when Mr. Cotterell toured the area in 1930 and canvassed local inion and the cause for the change naturally requires explanation. t the time of his visit Caste Panchayats of weavers were formed to take sciplinary action against drinkers and this had some temporary effect. his reference to Government C.R. No. 11487, Abkari, dated 30th ovember 1929, Mr. Cotterell remarked as follows:—

"Success depends on the ability of the Temperance workers to keep eople who are now accustomed to frequent the shops firm in their resolve stop drinking and at the same time on their co-operation with the epartment in watching for and preventing crime on the part of outders who will be anxious to provide illicit supplies." Though there ay have been at that time some propaganda for temperance the records re silent as to any co-operation with the Department for the prevention f abkari crime; and it is beyond doubt that since then propaganda for mperance has practically not existed. The general testimony of all hose whom the Commissioner questioned, drinkers and non-drinkers like, with a few exceptions, is that there has been no temperance work orthy the name for the last two years and certainly no propaganda ince the Ordinances were promulgated, though temperance propaganda ould not possibly be construed as something which the Ordinances were ntended to prevent. It is perhaps permissible to infer from the cessation f propaganda that it aimed more at political than temperance results. Unfortunately also the driving force that M.R.Ry. Diwan Bahadur R. Ramachandra Rao Avargal, was able to bring to Rural Reconstruction n Elur was missed when he found it impossible to devote attention to hat object in person.

6. The result is that the cause of temperance in this area has had a decided set back. It is the Commissioner's considered opinion that the urge for drink has been too strong for its votaries and that there has been at the most an inappreciable decline in the number of persons in the area who habitually indulge in strong drink. This is a fact which must be faced. It may not have been foreseen by the promoters of this experiment that in the absence of continued and intensive effort by temperance workers people who could not get drink in the area would go long distances outside it to get it. This was the first fact that was forced on the

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* Not copied.

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attention of the present Commissioner. One of the two toddy shops in Sankari close by the railway station was found at about 5 p.m. crowded with drinkers from the two Trichengode weaving communities who had come in by motor bus (return fare 3 annas) a distance of about six miles. The shop-keeper estimated that his Trichengode customers averaged from 60 to 90 and sometimes exceeded this number. The Commissioner received information which was confirmed by many weavers in Trichengode itself that other shops outside the area accessible by walking at a distance of three to four miles were also places of resort for drink. Throughout the dry area this was found to be the case and was a subject of general complaint by weavers and other manual workers and their employers. In order to get drink weavers, oddars, masons, agricultural coolies, etc., leave their work some at noon, some at 3 or 4 p.m.—according to the distance to be travelled to the nearest shop. They will not stop drink; they earn less wages working short time and there is correspondingly less to spare for food for themselves and their families. And naturally when sedentary workers like weavers have to walk four miles or more to get a drink their thirst is more acute and they drink more to quench it. That is human nature all over. In one village visited by the Commissioner the women complained bitterly that their men folk left their work early to go to distant shops and stayed out all night. In other villages women put this habit of resort to distant shops with a consequently shortened working day and smaller wages as their strongest reason for reopening shops. They would much prefer their men folk not to drink but as this was an impossible ideal they preferred them to drink in their own villages. Many were asked why they did not give up drink in these difficult circumstances. The reply invariably was that after a hard day's work men who were used to drink could not eat or sleep unless they had their drink.

7. The village munsif of Kumaramangalam, a mitta village, not a drinker himself and in no way under the influence of either Excise or the Revenue subordinate officers gave the Commissioner the following statement:—

"He employs 100 men in weaving. Sixty or seventy of them drink. None of them have given it up since the shop was closed. Those who drink stop work at 4 p.m. and go to Timmaranathampatti shop, three miles away. The others work till 7. Those who leave early get less wages. They all go daily to one shop or another. I lose by this. I want the shop back. Some of the men and the women told the late Commissioner that they did not want the shop. They said this because there were quarrels owing to drink. Only a few said this. I was not asked my opinion. I was not present. The workers now want the shops back as they are suffering in their work. They won't give up drink. Last year there was propaganda both by the District Propaganda Committee and by the Ashram. I saw no results of the propaganda. I have a hundred looms and get no profit for the last two years."

The mittadar of Chittalandur which is close to the Gandhi Ashram also supported this view. The scavengers of Trichengode represented

through one of their women that both males and females must drink; otherwise they could not carry on their unsavoury labours; the men therefore go to Sankari or elsewhere and bring back toddy for their women folk. Throughout the area there was a general complaint, which is supported by the local Revenue officers, that the coolie weavers are drinking as much as before though getting less wages owing to short time, and that comparatively few have taken the more difficult path of total abstinence. The economic condition of the worker who drinks has thus become much worse instead of better and there is more open drunkenness to be seen than before the experiment was made. As the Commissioner was about to leave the area the Revenue Divisional Officer informed him of a case that had just been reported. Returning with a supply of toddy in bottles two weavers of Guruswamipalayam quarrelled on the way and one of them killed the other by striking him on the head with a toddy bottle; an unwilling martyr in the cause of prohibition.

8. Probably, the worst feature of the experiment in prohibition is the enormous increase in Excise crime particularly illicit distillation in the Namakkal sub-circle. In the Sankari circle as a whole in which crime is not so rampant as in the sub-circle there is a disquieting amount of serious crime—illicit distillation and illicit tapping. In the whole of the sub-circle the increase is most marked. The cases detected rose from 225 in 1930–31 to 513 in 1931–32. Illicit distillation contributed 195 cases as compared with 43·69 cases of possession of illicitly distilled spirits against 23; illicit tapping cases 125 against 68. In the dry area (of this sub-circle) there were nine cases of illicit distillation and two of possession of illicit arrack in 1930–31. In 1931–32 they rose to 91 and 30 with one case of sale of illicitly distilled spirits and the total crime in the dry area was 192 cases out of the 513 mentioned above. *In the first three months of the current year* 1932–33, 96 cases have been detected in the dry area out of 362 for the whole sub-circle, 32 *illicit distillation, five possession of illicitly distilled spirits*, 48 illicit tapping cases, one unlicensed sale of toddy and ten cases of unlicensed possession. The Commissioner was told everywhere in the sub-circle where he made enquiries that illicit arrack could be got in any reasonable quantity from distillers at 12 annas to 1 rupee a bottle and that illicit arrack was being drunk freely throughout the area. In Elur village, the Rural Reconstruction centre, illicit arrack was sold almost openly by a Komatti merchant. In Guruswamipalayam it was on sale in the shandy. In one village that was raided 26 separate cases were detected in one day by the Assistant Inspector—two of the accused were caught in the act of distilling again the very next day by the local Sub-Inspector. It is unlikely that the detected cases form 10 per cent of the actual crime that is being committed, and the quantity of illicit arrack passing into consumption must be very considerable. Illicit arrack is for the most part of much higher proof than licit arrack. Any kind of arrack is probably more deleterious than toddy; the working classes undoubtedly would for the most part drink toddy in preference to arrack and take to illicit arrack which is more harmful than even licit arrack owing to the impossibility or great difficulty involved in getting

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their natural drink which is toddy. This is a set back to the cause of temperance which was expected by the officers of this Department but was hardly contemplated by the advocates of prohibition. The incentive afforded by the dry area has in fact elevated illicit distillation to the rank of a cottage industry and a very profitable one at that. A typical instance is Agraharam Mettupatti in which sixteen houses were searched and sixteen cases detected. Men, women and even children know perfectly the technique of distillation. The profit on the outlay on raw material is two to three hundred per cent, if not more, and distillers can save money to pay fines when they are caught. It is no exaggeration to say that not only the dry area but the surrounding villagers also are steeped in crime, the whole country side is becoming demoralized. There is also information that illicit arrack is distilled on a large scale in the hills bordering on Attur taluk for sale in that taluk which is dry for arrack and probably only the fringe of this crime has been detected. The Namakal sub-circle staff is doing very well in detection but the volume of crime is so great (362 cases in three months) that if adequate steps are to be taken to put down crime the circle staff must be strengthened considerably. A large number of cases is contested in the Courts for the prosecution of which at least a Sub-Inspector must be deputed and taken away temporarily from the more urgent duty of detecting and suppressing crime; and the time has come at any rate in the Namakkal sub-circle where the Government must face the position that the policy of prohibition has to be supplemented, if it is to be continued, by a largely increased preventive staff.

9. It would however be far wiser to recognize facts and restore to the drinking public the reasonable facilities for drink that existed prior to the inaguration of this most unfortunate experiment. The people concerned have had enough of prohibition with its resulting inconveniences: the difficulty of procuring licit drink, and the danger and expense involved in getting illicit drink. The preventive staff have probably reached the zenith of possibility in detection and prevention of abkari crime. Informers and persons suspected of giving information of abkari crime are threatened with personal violence to deter them from giving information. Even the local Excise Advisory Committee which like most such bodies is most apt to recommend closure of shops and the restriction of facilities for getting drink has recommended the reopening of the shops at Guruswamipalayam, a village with a large weaving population. Many respectable people with no axe to grind have given the Commissioner a strong recommendation for reopening the shops and the only opponents, comparatively few in number, are those who are willing to shut their eyes to the palpably evil results; and requiring no drink themselves, care nothing whether those who do drink go without, or supply themselves with it from illicit sources, or whether drinkers and bootleggers treat the law as a matter of course. The Commissioner has discussed the subject with the local Revenue Officers and with the Collector; the local officers have no doubt whatever about the necessity to reopen shops; the Collector who was in complete sympathy with the experiment is now thoroughly convinced that it has failed and that the

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Government should withdraw from it. The Commissioner has no doubt whatever and trusts that the facts stated in this reference will carry conviction. He recommends that all the shops which were closed in the areas on the recommendation or by the orders of his predecessor may be reopened from the commencement of the next arrack lease—the arrack shops for the currency of the lease and thereafter, the toddy shops for the second half year of the toddy lease April to September 1933 thereafter for the toddy lease year.

APPENDIX IV.

[Vide answer to question No. 319 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 3rd November 1932, page 404 supra.]

Copy of letter from the Deputy Director of Agriculture, VII circle, Tellicherry, R.O.C. No. 1174 *of* 1932, *dated 9th October* 1932.

[SUBJECT:—*Mahali disease on arecanut.* Your N.R.O.C. No. D-1605 of 1932, dated 27—9—1932.]

Mahali disease (Phytophthora omnivora var Arecae Colem) appeared in a very serious form in all the arecanut growing taluks of the West Coast in the year 1931, but in the present year the attack is very light and the spread of the disease has been controlled by timely preventive measures. The reason for the severe attack in 1931 was the heavy and continuous rain in the month of August. A very effective preventive remedy (Bordeaux mixture spraying) against the disease has been taught to the ryots and they are acquainted with the operation. When the ryots noticed the symptoms of the disease about the end of July 1931, they started spraying operations but the heavy and continuous rains from the beginning of August till the end of the month which amounted to 67 inches in a single month, washed down the mixture before it could firmly settle down on the areca bunches and made the operations ineffective. In the month of August, the cloudy weather accompanied by continuous rain and strong wind favoured the spread of the disease and made the remedial measure ineffective. So the heavy loss of the crop during 1931 was due to the unusual weather conditions and not to want of care on the part of the ryots and the department.

2. The steps taken by the department—

The department took up the control of the mahali disease in Ponnani and other centres of arecanut cultivation by Bordeaux mixture spraying in the year 1911 and by constant and successful demonstrations made the operations popular among the ryots. In the year 1912 spraying was demonstrated on 2,100 trees in South Malabar at Government cost. The cost of the operations was Rs. 2–12–6 per 100 trees and the sprayed trees gave an increased yield over the unsprayed ones worth

Rs. 23-10-0 per 100 trees. In the year 1913, about 14,000 trees were sprayed at Government cost and a few ryots did the work themselves under the supervision of the department. Next year 29,000 trees were sprayed and one garden-owner sprayed 5,500 trees at his own cost. Garden-owners began to purchase their own sprayers. In the year 1915 a special Assistant Manager was deputed to demonstrate the spraying operation in a larger area in South Malabar and 42,000 trees were sprayed under his supervision and the garden-owners paid for the material and labour used in the operation. The efficacy of the operation was recognized by ryots. To cope with the increased work, in the year 1916 two officers were deputed for this work and 43,000 trees were sprayed in 101 gardens. As no further demonstration was necessary no special officer was deputed in the year 1917, but in three centres Mullasserry, Chalassery and Alangode chemicals and sprayers required for the operation were stocked and sold to garden-owners.

3. During the years 1918, 1919, 1920 and 1921, the disease did not appear in a virulent form although all precautionary measures to control the disease were in readiness. In 1919 a leaflet in Malayalam dealing with the symptoms of the disease, preparation of Bordeaux mixture and the method of its application was prepared and distributed broadcast in the arecanut areas.

4. During the year 1922 on account of favourable season the disease broke out in a serious form and two demonstrators visisted various affected villages and stirred up the ryots to conduct Bordeaux mixture spraying. About 75,750 trees were sprayed and the disease was brought under control.

5. In the year 1923, the Co-operative Societies in arecanut growing areas were influenced to stock sprayers and chemicals required for the operation and 26 societies of Pattambi and Kumaranallur unions purchased sprayers and chemicals for spraying nearly eight lakhs of trees and distributed them among their members. On account of heavy rains during the year, the disease appeared in a serious form and two agricultural demonstrators with their head coolies and messengers did the control measures and brought the spread of the disease under control. During the year 168,200 trees were sprayed.

6. The Co-operative Society took greater interest in 1924 in stocking chemicals and sprayers required for the operation. The Co-operative Bank at Calicut set apart Rs. 14,000 for advancing to its members for combating the mahali disease in that area. Two demonstrators with head coolies and messengers toured in the arecanut areas from June to August and induced the ryots to undertake spraying. About three lakhs of trees were sprayed under their supervision and chemicals sufficient for spraying six lakhs of trees were sold to garden-owners in the affected areas. During this year, 121 sprayers were purchased by ryots. The Co-operative Societies financed the cultivators for the purchase of chemicals and sprayers and the agricultural officers conducted the campaign. On account of this vigorous campaign the disease did not take a serious form.

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7. Through the combined efforts of the Agricultural and Co-operative departments in 1925 about 13 lakhs of trees were sprayed. The Pattambi Co-operative Society continued to store chemicals and sold the material sufficient for spraying 100 trees at 10 annas 3 pies. Shopkeepers in all the affected areas began to stock chemicals required for the operation and the ryots freely purchased the material from them. Most of the garden-owners in 1926 took advantage of the easy availability of the chemicals and carried on the operation without much further persuasion. From 1927 onwards, the spraying of arecanut trees against mahali disease has become the usual practice and the ryots do it of their own accord whenever they notice the symptoms of the disease.

8. The year 1931 was exceptionally a bad year which made spraying ineffective on account of very heavy rainfall in the month of August which amounted to 67 inches in that month.

9. The popularization of Bordeaux mixture spraying against mahali disease by demonstration, free distribution of leaflet on the subject, display of posters and magic lantern lectures and the joint assistance of the Co-operative department, is really a good piece of work in the circle. But unusual weather conditions once in a few years make the human effort ineffective and cause unexpected loss to ryots.

APPENDIX V.

[Vide answer to question No. 323 asked by Mr. A. Pl. N. V. Nadimuthu Pillai at the meeting of the Legislative Council held on the 3rd November 1932, page 409 supra.]

Tanjore District Board.

Proposals of the District Board.				Decisions of Government.			
Names of firkas to form District Board Circles.	Non-reserved seat.	Reserved seat.	Total.	Names of firkas to form District Board Circles.	Non-reserved seat.	Reserved seat.	Total.
Kumbakonam taluk.							
Kumbakonam cum Sholapuram.	1	..	1	Kumbakonam ..	1	..	1
Tiruppanandal cum Pandanallur.	1	..	1	Tiruppanandal cum Pandanallur cum Sholapuram.	1	1.A.D.	2
Nachiarkoil	1	1.A.D.	2	Nachiarkoil	1	..	1
Mannargudi taluk.							
Mannargudi	1	..	1	Mannargudi cum Kottur.	1	1.A.D.	2
Nidamangalam cum Sathanur.	1	1.A.D.	2	Nidamangalam ..	1	..	1
Kottur	1	..	1	Sethanur	1	..	1

APPENDIX VI.

[Vide answer to question No. 333 asked by Mr. M. D. T. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 3rd November 1932, page 416 supra.]

(1)

Copy of letter from M.R.Ry. P. Kuppuswami Ayyar Avargal, B.A., B.L., Advocate and Vice-Chairman, Tinnevelly municipality, dated the 7th August 1932.

I am herewith enclosing you the original notice served upon me by the Revenue Divisional Officer, Tinnevelly. I am at a loss to know, Sir, under what provision of law this notice has been served on me. There was a special meeting of the Municipal Council of Tinnevelly on 3rd August 1932 at 7-30 p.m. for the election of Vice-Chairman. The Revenue Divisional Officer in his notice refers to some alleged disturbance in the municipal office compound. This information he seems to have received from the Chairman, who as a matter of fact has been imagining and manouvering that there was a likelihood of a disturbance in the compound.

The above notice has not only harassed me but similar notices (about half a dozen) had been served on respectable and premier citizens of the town and this has caused unnecessary discomfort and harassment. The enquiry contemplated in the notice cannot be revenue, judicial or quasi-judicial. In my opinion the notice is illegal and ultra vires. Myself and those who were present propose to take action against him for damages.

I had to attend an important meeting of the South India Bank as a Director thereof at 9 a.m. Owing to this notice I could not attend or take part in the meeting where I had to discuss and decide important matters.

I request that you will be pleased to accord me the necessary sanction.

(2)

Copy of notice of the Revenue Divisional Officer, Tinnevelly, dated the 6th August 1932.

Please take notice that an enquiry will be held by me in the Tinnevelly Sub-Magistrate's office at 8 a.m. to-morrow, the 7th August 1932, in respect of the alleged disturbance within the Tinnevelly Municipal Office compound on 3rd August 1932 evening in connexion with the meeting convened for election of a Vice-Chairman for the said Municipal Council.

2. You are hereby required to be present then with such of the councillors and other independent witnesses whom you wish to examine on the occasion.

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APPENDIX VII.

[*Vide* answer to question No. 341 asked by Mr. V. M. Ramaswami Mudaliyar at the meeting of the Legislative Council held on the 3rd November 1932, page 420 supra.]

Statement showing the number of prisoners undergoing imprisonment in connexion with the civil disobedience movement on the 1st August 1932.

Jails.	Males.	Females.	Total.
Central Jail, Rajahmundry	259	..	259
Do. Vellore	95	..	95
Do. Trichinopoly	405	..	405
Do. Coimbatore	74	3	77
Penitentiary, Madras	67	11	78
Central Jail, Cannanore	282	31	313
Do. Salem	2	..	2
Do. Bellary	156	..	156
Do. Vizagapatam	..	..	..
Wellesley Sanatorium Jail, Bellary	1	..	1
Presidency Jail for Women, Vellore	..	111	111
Borstal School, Tanjore	5	..	5
Do. Palamcottah	..	..	..
District Jail, Cuddalore	71	..	71
Do. Madura	113	2	115
Do. Berhampur	3	..	3
Sub-Jail, Koraput	1	..	1
Do. Russellkonda	..	..	..
Do. Nellore	2	..	2
Do. Calicut	3	..	3
Do. Mangalore	71	5	76
Senior Certified School, Chingleput	1	..	1
Total	1,611	163	1,774

APPENDIX VIII.

[Vide answer to question No. 350 asked by Mr. Basheer Ahmed Sayeed at the meeting of the Legislative Council held on the 3rd November 1932, page 426 supra.]

Statement showing the names of persons who held from 1882 *the post of Manager, Office of the Commissioner for Government Examinations, Madras, which was designated in* 1922 *as 'Assistant Secretary.'*

Name.	Community.	Designation.
Mr. A. Shunmugha Mudaliyar	Non-Brahman Hindu	Manager.
Rao Sahib V. T. Seshadrichariyar	Brahman	Manager.
Mr. S. Subrahmanya Ayyar	Do.	Manager.
Mr. R. Sundaram Ayyar (acting)	Do.	Manager.
Mr. Muhammad Unsar Sahib	Muhammadan	Manager.
Rao Bahadur R. Krishna Rao Bhonsle.	Non-Brahman Hindu	Manager and Assistant Secretary.
Mr. M. S. Sundaroswara Ayyar	Brahman	Assistant Secretary.
Mr. P. K. Ranganayakulu Chettiyar (acting).	Non-Brahman Hindu	Assistant Secretary.

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APPENDIX IX.

[Vide answer to question No. 352 asked by Mr. V. T. Arasu at the meeting of the Legislative Council held on the 3rd November 1932, page 428 supra.]

Results of Abkari sales—1932–33.

—	Budget estimate for 1932–33.	Rentals for which the lease for 1932–33 has been sold.	Accounts for 1931–32.		
	RS.	RS.	RS.	A.	P.
Arrack shops	56,60,000	52,23,197	61,52,780	8	3
Foreign liquor taverns	2,00,000	1,05,576	2,49,188	0	0
Beer shops	2,55,000	2,17,068	2,46,565	7	4
Opium shops	10,50,000	11,06,716	12,00,380	2	10
Ganja and bhang shops ..	9,39,000	9,03,232	9,33,377	4	8
Toddy shops	83,00,000	1,25,63,335	1,03,80,932	1	5

APPENDIX X.

[Vide answer to question No. 353 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 3rd November 1932, page 428 supra.]

Statement showing the result of the sale of the right of selling country spirits and toddy for the leases 1931–32 *and* 1932–33.]

Name of district.	Country spirits.		Toddy.	
	1931–32 rentals.	1932–33 rentals.	1931–32 rentals.	1932–33 rentals.
	RS.	RS.	RS.	RS.
Ganjam	1,52,724	1,14,345	16,647	31,973
Vizagapatam	4,72,356	3,98,265	76,473	1,21,887
East Godavari	3,05,436	2,63,928	1,45,071	2,28,276
West Godavari	1,66,500	1,44,300	1,19,984	2,56,536
Kistna	2,22,564	2,19,708	63,353	1,38,741
Guntur	1,96,632	1,82,940	67,458	1,21,092
Nellore	90,534	87,617	44,596	1,10,289
Cuddapah	1,27,224	1,25,001	1,11,804	1,43,568
Anantapur	1,13,742	1,15,242	4,21,816	5,56,775
Bellary	1,30,020	1,23,924	4,34,532	4,70,064
Kurnool	1,20,960	1,22,064	4,45,278	6,54,672
	5,544	6,192	13,356	21,732
Madras	7,20,600	6,42,000	4,05,492	4,83,420
Chingleput	2,80,944	2,60,988	5,20,404	6,38,196
Chittoor	1,29,438	1,29,858	1,94,886	3,51,622
North Arcot	2,93,424	2,61,084	4,78,794	9,08,208
South Arcot	3,26,959	2,19,036	3,27,972	4,02,768
Tanjore	1,98,276	1,57,956	7,92,406	12,47,952
Trichinopoly	3,33,936	2,57,472	4,81,722	7,52,784
Madura	2,74,020	1,82,784	4,40,964	5,01,804
Ramnad	1,79,916	1,20,336	2,08,692	[illegible],460
Tinnevelly	2,77,872	2,18,316	1,77,978	2,93,316
Coimbatore	3,64,140	2,94,228	7,23,678	13,13,874
The Nilgiris	2,31,900	2,16,120	..	..
Salem	1,87,338	1,55,070	10,26,024	15,84,156
South Kanara	90,543	70,212	2,90,412	3,60,285
Malabar	1,92,168	1,34,211	(a) 2,79,918	5,12,985
Total ..	61,94,710	52,23,197	83,15,710	1,25,63,335

(a) Excludes the rentals for eight shops for which particulars have not been received.

APPENDIX XI.

[Vide answer to question No. 367 asked by Mr. T. S. Ramaswami Ayyar at the meeting of the Legislative Council held on the 3rd November 1932, page 440 supra.]

District. (1)	Commutation rate as worked out at settlement before the current settlement. (2)	Percentage of increase in wet rates adopted at current settlement for whole district. (3)	Commutation rate on which current settlement of wet rates was in fact based, i.e., figure in column (2) increased by percentage, column (3). (4)	Commutation rate resulting price, September 1932. (5)
	PER GARCE. RS.		PER GARCE.	PER GARCE. RS.
Ganjam	80	20·7	96·6	139
Godavari, East	118	18¾	140	167
Guntur	..	14	..	177
Nellore	107	16	124	160
Trichinopoly	124	13	140	187
Tanjore	121	18	143	182
Madura	123	29	159	206
Tinnevelly	108	12	121	190
Chingleput	105	14	120	158
South Arcot	108	21	131	164
Vizagapatam	105	20	126	175
Kistna	118	18¾	140	168

APPENDIX XII.

[Vide item IV—Papers laid on the table of the House—page 489 supra.]

PUBLIC (POLICE) DEPARTMENT.

U.O. NOTE No. 25096-3, DATED 29TH OCTOBER 1932.

[Depressed classes—Devakottai subdivision, Ramnad district—Alleged oppression.]

With reference to the answer to clause (c) of Legislative Council question No. 155 answered on 5th August 1932, the following information is placed on the table of the House:—

The Labour Commissioner has recently toured in the parts of Ramnad affected by the Nattar-Adi-Dravida disputes in company with the District Magistrate and the District Superintendent of Police, Ramnad. The following information is based upon the reports submitted to the Government by these officers.

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The origin of the Nattar-Adi-Dravida trouble in Ramnad is to be sought in the desire of the depressed classes of that region to rise in the social scale. Customs are, in fact, changing for which the reason may be that many of the depressed classes have been to places such as Ceylon and Burma where the caste restrictions of their native villages do not exist to the same extent. On their return to their villages they wish those restrictions to be removed. But there is the danger that any sudden removal of restrictions may be regarded as an infringement of long established religious customs.

The antagonism arising from this movement has of late crystallized over the question of the wearing of shirts by Adi-Dravida men and the wearing of bodices and jewels by their women. The Nattars, while no longer objecting to the practice on all ordinary occasions, demand that the Adi-Dravida men at least should keep the upper part of their bodies uncovered for all ceremonial functions. This practice in the case of women seems to have gone out of use already. The Adi-Dravidas, on the other hand, in their eagerness to assert their position, have on certain occasions appeared at festivals wearing shirts. The Nattars consider the long established custom not to wear shirts at religious ceremonies is reasonable as they themselves remove their shirts on such occasions.

This being the position as between the two communities, their differences were aggravated by the action of agitators. Security proceedings were taken in 1931 to prevent a breach of the peace, but the proceedings ultimately failed.

The immediate cause of the trouble in 1932 was the arrival of a party of American Missionaries with their staff in July 1932. They began an evangelical tour in the course of which, it is reported, they urged the Adi-Dravidas not to submit to the customs enforced by the Nattars. This resulted in the outbreak at Eluvankottai on the night of the 4th July and the following morning, whether, as the Nattars say, it was the Adi-Dravidas who were emboldened by the presence of the missionaries to start the trouble by throwing stones at the Nattar quarter, or whether, as the Adi-Dravidas say, it was the Nattars who made the first attack on the Adi-Dravidas out of anger at the missionaries' presence and preaching.

The trouble that followed has been exaggerated. Wild rumours circulated rapidly and something of a panic ensued among the inhabitants of the Adi-Dravida quarters in several villages, but, with the exception of the village of Eluvankottai, very little actually happened anywhere. Even in the village named very little damage was actually done. The Labour Commissioner at the time of his inspection found that, although the Adi-Dravida quarter of Eluvankottai was still abandoned, all the damage that had been done was confined to some cooking pots and bins for storing grain. None of the articles inside the houses had been touched and no looting had taken place. Several of the houses were locked up and the locks had been in no way tampered

with. The inhabitants of Thennirvayal, another village that had been abandoned, had already returned, having been brought back by the Nattars themselves in two motor buses engaged for the purpose.

The present position is as follows. Sixteen Nattars have been charged by the Police in connexion with the disturbance at Eluvankottai. The District Magistrate has effected a compromise between the two parties whereby the Nattars agree not to insist upon any of the previous customs except the non-wearing of shirts at religious, marriage and funeral functions. The Labour Commissioner has held a conference at Kandadevi at which a large and representative gathering discussed the whole course of the trouble and endorsed the District Magistrate's compromise as being an eminently fair one. The question of opening schools for the depressed classes in such places as really need them has been taken up by the Labour Commissioner in consultation with the District Magistrate. Though the bitterness between the parties is not yet entirely assuaged, the Labour Commissioner and the local authorities are agreed that there is no necessity to post additional Police to the area. The situation is entirely quiet everywhere and there has been no disturbance since July 7th. The District Superintendent of Police and the Police force of the district are alive to the necessity for prompt action at the first sign of a recrudescence of the trouble. The following is the gist of the instructions issued by the District Superintendent of Police:—

The most important work of the local Police force is the control of the Nattar-Adi-Dravida disputes. Close touch must be kept with every development and the situation handled with firmness and impartiality. Regular beats must be served to the affected villages and full details of all information must be reported by the beatmen and by the station-house officer and his assistants who must also pay frequent visits to these villages. A proper record must be kept of all incidents connected with the trouble. All cases registered must be fully and promptly investigated. Persons who report false cases must be prosecuted. Security proceedings must be undertaken if the situation requires. Superior officers must be kept constantly and fully informed.

G. T. H. Bracken,
Chief Secretary.

Appendix XIII.

[Vide item IV—Papers laid on the table of the House—page 489 supra.]

Extract from the Report of the Indian Franchise Committee, Volume I.

CHAPTER XVI.—SECOND CHAMBERS IN PROVINCES.

376. From the outset of the discussion about the Indian constitution there has been a difference of opinion as to the advisability of having second chambers in the provincial legislatures. Under the

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system of dyarchy the question did not arise because the legislatures were responsible only over a very limited sphere. But as soon as it was decided that responsible Government should be established in the provinces the question entered into the field of debate. The Statutory Commission was divided on the subject. Some of the members recommended the establishment of second chambers, because they "read constitutional history as showing that the consideration of legislation by one house is inadequate, and that a second chamber has been proved to be the best revisory instrument." Others opposed their establishment "believing that the principal objections to second chambers which we have quoted from the Montagu-Chelmsford report —the complexity which they will involve, the deficiency of material, and the undue protection of vested interests from legislative interference—make their creation undesirable."

377. Opinion among the provincial governments and the provincial committees which sat with the Statutory Commission was equally divided. Four provincial governments were opposed to the establishment of second chambers because the material from which they could be formed did not exist in the provinces. Three provincial governments were in favour of their establishment. Of the committees, a majority in four provinces were in favour, and four provinces were on the whole against. The Indian Central Committee was similarly divided.

THE ROUND TABLE CONFERENCE.

378. The Provincial Constitution sub-committee of the Round Table Conference recognized "that conditions in some provinces may make it desirable that the provincial legislatures should be bicameral," and by a majority stated that "the decision to incorporate a second chamber in the new constitution of any province other than Bengal, the United Provinces, and Bihar and Orissa, where opinion in favour of a second chamber has already been expressed, should not be taken until opinion in the province definitely favours this course."

OUR ENQUIRIES IN THE PROVINCES.

379. In our terms of reference we are instructed "to present a complete and detailed scheme for the composition of each of the provincial legislatures," and it is clear, therefore, that it is necessary for us to consider at some stage the question of a second chamber. In our original questionnaire no reference was made to the problem of the second chamber, but we found that the views of some witnesses as to the franchise for the councils would depend in some measure upon whether there was a second chamber or not. In order therefore to avoid delay, we asked provincial governments and committees to give us a preliminary expression of their views on the subject. In

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discussing the question with them it was suggested that if there was to be a second chamber in the provinces it should be small in size, say, one-fourth of the lower house, that it should not compete for power with the lower house, and that its powers should be limited to revision and delay for a period of, say, a year, after which a conflict of opinion should be resolved by a joint session, save in the case of the budget where, in the event of disagreement, the views of the lower house should prevail.

THE QUESTION OF SIZE.

380. As regards size, the prevailing opinion is that it should be between a quarter and a third of the size of the lower house. There is a very wide divergence of opinion as to how it should be composed. The most common view is that in the main it should be elected by relatively small electorates qualified by a high franchise, supplemented in the view of some by a small number of nominated members, and in the view of others by a proportion, say, a third, elected by the lower house. There is also a certain amount of opinion in favour of creating a special electorate of persons holding, or who have held, political, judicial, or administrative office, who have been chairmen or members of district and local boards and municipalities, who have been honorary magistrates, who have been members of the Senate or graduates of universities, and so forth.

VIEWS OF LOCAL GOVERNMENTS AND PROVINCIAL COMMITTEES.

381. The views of the provincial Governments and committees on the subject of a second chamber in the light of this discussion are as follows. Both the provincial Governments and committees of Madras, Bombay,* Bengal, the United Provinces, Bihar and Orissa, and Assam are in favour of a second chamber. The Government of the Punjab and the Central Provinces are on the whole against a second chamber, and the provincial committees have expressed no opinion.

382. The question must be decided one way or the other when the new constitution comes to be drafted, and we consider that it may be well to state as clearly as possible the arguments as they have emerged on the one side and the other in the course of our enquiries.

ARGUMENTS IN FAVOUR OF A SECOND CHAMBER.

383. The advocates of the second chamber base their case on four main grounds.

It is important at a time when the suffrage is being very largely extended in a country where the vast majority of the electors will be illiterate to create a body which will be representative of experience and expert knowledge to act as a stabilizing factor by being empowered, not to compete for power with the lower house, but to revise or delay legislation for a short period.

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The great majority of the democracies of the world, even those which have come recently into being, have been established on a bicameral basis. Experience in the Australian and American Federations seems to show that their existence has been a security against abuse of power and impetuosity on the part of the popular chamber.

A second chamber makes it possible for people of political and administrative experience and ability who, for reasons of age, or finance, or health, are unable to enter the lower house through the arduous process of popular electioneering, to be brought into public life and made available for public office.

It is better that the responsibility for acting as a brake on the lower house should normally be exercised by a second chamber than by the Governor—which is the alternative.

ARGUMENTS AGAINST A SECOND CHAMBER.

384. The contentions of the opponents of the second chamber, on the other hand, are as follows:—

Analogies drawn from sovereign nations to make out a case for second chambers of provincial legislatures in India are superficial, fallacious and misleading. The history of the subject in India tells more heavily against the proposal than in favour of it.

While provincial Governments and committees are by a majority in favour of the proposal, the weight of public opinion is against the second chamber, and such opinion as there is, is mostly of those who are concerned more for the special position of the privileged classes than for the advancement of the people at large. Far, therefore, from conducing to stability, second chambers in the provinces will, by impeding measures designed to benefit the mass of the people who have been the most neglected, and whose welfare must be the primary concern of the future legislatures, tend to aggravate discontent and hasten the very mischief which all desire to see avoided.

The establishment of second chambers in the provincial legislatures would be expensive; it will be difficult in many provinces to man those chambers; and all interests will be sufficiently represented in the lower house.

The hopes of people that the coming constitutional reform will be a measure of political appeasement and will facilitate progress will be destroyed, if the partial concessions made with the right hand are in effect to be taken away with the left, by the establishment of institutions for the benefit of the favoured few and the whittling down of powers ostensibly given to popular legislatures.

OUR CONCLUSIONS.

385. The examination of the problem of the franchise has occupied so much of our time during the three months that have

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elapsed since we began our work that we have not had time to go into the details connected with the formation of a second chamber. Moreover, the question whether the provincial legislatures of the future should be bicameral is really a constitutional issue which is beyond the scope of the terms of reference to our Committee. Until these issues are settled, it would be useless to frame detailed schemes for the *franchise* or *composition* of the second chambers, if any, which are to be set up in the different provinces. We refrain therefore from making any proposals on the subject, though we have summarized above the various opinions which we have collected.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Monday, the 7th November 1932.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT :

Usman Sahib Bahadur, *Kt.*, The hon. Khan Bahadur Sir Mahomed.
Krishnan Nayar, *Kt.*, The hon. Diwan Bahadur Sir M.
Campbell, K.C.I.E., C.S.I., C.B.E., V.D., I.C.S., The hon. Sir Archibald.
Stokes, C.S.I., C.I.E., I.C.S., The hon. Mr. H. G.
Raja of Bobbili, The hon. the
Rajan, The hon. Mr. P. T.
Kumaraswami Reddiyar, The hon. Diwan Bahadur S.
Abdul Hameed Khan Sahib Bahadur.
Ahmed Meeran Sahib Bahadur.
Alagannan Chettiyar, Rao Sahib A. S.
Alamelumangathayaramma, Mrs. K.
Annamalai Chettiyar, Mr. S. A. A.
Arasu, Mr. V. T.
Ari Gowder, Mr. H. B.
Appu Nayar, Mr. P.
Basheer Ahmed Sayeed Sahib Bahadur.
Rasu Dev, Mr. C.
Beyabani Sahib Bahadur, S. M. K.
Bhanoji Rao, Mr. A. V.
Birley, Mr. F.
Davis, Mr. J. A.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Duraiswami Reddiyar, Mr. K. M.
Ellappa Chettiyar, Diwan Bahadur S.
Foulkes, Mr. R.
Gopalaswami Mudaliyar, Diwan Bahadur M.
Harischandrudu Nayudu, Mr. A.
Hood, I.C.S., Mr. H. M.
Indriah, Mr. C.
Jagannadha Raju, Rao Bahadur G.
Jagannatham, Mr. H. M.
Jayaram Nayudu, Rao Sahib C.
Jones, I.C.S., Mr. C. E.
Kesava Ramamurti Nayudu, Mr. K.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
Kolanda Reddi, Rai Sahib C.
Koti Reddi, Mr. K.
Krishnamurti, Rao Sahib D.
Krishnan, Mr. C.
Kuppuswami Choudari, Mr. J.
Langley, Mr. W. K. M.
Madanagopal Nayudu, Mr. R.
Madhusoodhanan Thangal, Mr. P.
Maharaja of Venkatagiri, The
Mahboob Ali Baig Sahib Bahadur.
Manikkavelu Nayakar, Mr. M. A.
Moidoo Sahib Bahadur, Khan Bahadur T. M.
Moses, Mr. P. C.
Muhammad Meera Ravuttar Bahadur, K. P. V. S.
Muniswami Nayudu, Diwan Bahadur B.
Muniswami Pillai, Rao Sahib V. I.
Murugappa Chettiyar, Diwan Bahadur A. M. M.
Muthiah Chettiyar, Mr. M. A.
Muthu Chettiyar, Rao Bahadur P. C.
Nachiyappa Gounder, Mr. K. A.
Nadimuthu Pillai, Mr. A. Pl. N. V.
Nanjappa Bahadur, Subadar-Major S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Mr. D. V.
Narayanan Nambiyar, Mr. V. P.
Natesa Mudaliyar, Rao Bahadur C.
Palat, Mr. R. M.
Parthasarathi Ayyangar, Mr. C. R.
Patnaik Mahasayo, Sriman M. G.
Pattabhiramayya, Mr. K.
Peddiraju, Mr. P.
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Ramachandra Padayachi, Mr. P. K.
Ramakrishna Reddi, Mr. A.
Ramalingam Chettiyar, Rao Bahadur T. A.
Ramamurti, Pandit Ganala.
Raman Menon, Mr. K. P.
Ramaswami Ayyar, Mr. T. S.
Ramaswami Mudaliyar, Mr. V. M.
Ranganatha Mudaliyar, Mr. A.
Ranganatha Mudaliyar, Mr. G.
Ranganatha Mudaliyar, Mr. M. D. T.
Rangaswami Reddi, Mr. M. B.
Sahajanandam, Swami A. S.
Sami Venkatachalam Chetti, Mr.
Sesha Reddi, Mr. B. P.

PRESENT—*cont.*

Shetty, Mr. A. B.
Siva Raj, Rao Sahib N.
Sivasubrahmanya Ayyar, Mr. K. S.
Slater, C.M.G., C.I.E., I.C.S., Mr. S. H.
Smith, C.I.E., I.C.S., Mr. E. Conran.
Soundara Pandian, Mr. W. P. A.
Sreshta, Mr. M. S.
Srinivasa Ayyangar, Mr. T. C.
Srinivasan, Rao Bahadur R.
Sriramulu, Mr. G.
Subbarayan, Dr. P.
Subrahmanya Chetti, Rao Sahib P.
Subrahmanya Bhatt, Mr. U. C.
Sundara Rao Nayudu, Mr. T.
Syed Tajuddin Sahib Bahadur, Khan Sahib.
Thorne, C.I.E., I.C.S., Mr. J. A.
Vasudeva Pillai, Mr. V. G.
Vedachala Mudaliyar, Mr. M.
Venkatachala Reddiyar, Mr. K. C. M.
Venkatarama Ayyar, Mr. K. R.
Venugopal Nayudu, Rao Bahadur R. K.
Yahya Ali Sahib Bahadur, Khan Bahadur.
Yakub Hasan Sahib Bahadur.
Zamindar of Kirlampudi, The
Zamindar of Mirzapuram, The

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Depressed Classes

Number of Labour schools closed in Malabar.

* 368 *Q.*—Rao Sahib V. I. MUNISWAMI PILLAI : Will the hon. the Home Member be pleased to state—

(*a*) the number of separate Adi-Dravida schools conducted by the Labour Department so far closed in Malabar and the reason for closing them; and

(*b*) how many of them are closed as a result of retrenchment; what the strength of each school was at the time of closing them and what steps have been taken to educate the pupils that were attending the schools that were closed?

A.—(*a*) & (*b*) A statement [a] furnishing the information asked for is appended. The average attendance in schools 1 to 5 in the appendix was below 20 during 1930–31. The other schools were recommended for closure by the Educational authorities for the reasons shown against them.

The District Labour Officer was instructed to take steps to get the depressed class pupils affected by the closure admitted in the board or other schools and he has reported that the pupils who were attending the day schools have secured admission into the neighbouring schools under private management or under the management of the local boards.

Protest against the closure of Labour schools in Malabar.

* 369 *Q.*—Rao Sahib V. I. MUNISWAMI PILLAI : Will the hon. the Home Member be pleased to state—

(*a*) whether the Government have received a representation from Malabar Adi-Dravida Jana Sabha against the closing of separate Adi-Dravida schools in Malabar, and if so, whether a copy of it will be placed on the table; and

(*b*) what action the Government have taken in the matter?

[a] Printed as Appendix I on page 609 infra.

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A.—(*a*) Yes. A copy * of the representation received is placed on the table of the House.

(*b*) The schools were closed as they were either not working satisfactorily or because the District Educational Officer did not recommend their continuance as they were found superfluous, there being other schools in the locality. The District Labour Officer was instructed to take steps to get the depressed class pupils affected by the closure admitted in the board or other schools and he has reported that the pupils who were attending the day schools have secured admission into the neighbouring schools under private management or under the management of the local boards. If there are difficulties in the matter of the depressed class pupils getting admissions in the existing schools, specific instances may be brought to the notice of the District Educational Officer and the District Labour Officer so that necessary steps may be taken to remove the disabilities.

Rao Sahib V. I. MUNISWAMI PILLAI:—" With reference to the answer to clause (*b*), may I know, Sir, whether the Government are aware of the fact that many petitions sent to the District Educational Officer and the District Labour Officer did not receive attention ? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—" If there are difficulties in the matter of the depressed class pupils getting admissions in the existing schools, specific instances may be brought to the notice of the District Educational Officer and the District Labour Officer so that necessary steps may be taken to remove the disabilities."

Measures for the revival of Labour schools in Malabar.

* 370 *Q.*—Rao Sahib V. I. MUNISWAMI PILLAI : Will the hon. the Home Member be pleased to state whether the Government have received a copy of resolutions passed at the Malabar Adi-Dravida Conference held at Cannanore on the 26th June 1932 under the presidentship of M.R.Ry. V. P. Narayanan Nambiyar Avargal, B.A., B.L., M.L.C., and what action the Government have taken to revive the Labour schools so far closed in Malabar?

A.—Yes. The attention of the hon. Member is invited to the answers to questions Nos. 368 and 369.

Withdrawal of the order in regard to the acquisition of Inam Sengulam, Palakarai, in Trichinopoly.

* 371 *Q.*—Mr. H. M. JAGANNATHAM : Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that a certain piece of land in Inam Sengulam (at Palakarai in Trichinopoly) was ordered to be acquired by the

* Printed as Appendix II on pages 609–611 infra.

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Labour Department in the year 1930 for the use of the Adi-Dravida residents who are the tenants thereof;

(*b*) if the answer is in the affirmative, under what circumstances the order for acquisition of the said land was withdrawn;

(*c*) whether the Government have received memorials from the said tenants that the landlord is harassing and annoying them and increasing the rent disproportionately; and

(*d*) if so, what action the Government have taken or propose to take in the matter?

A.—(*a*) Yes.

(*b*) The Commissioner of Labour, who inspected the site in April 1931, reported that it was insanitary and unsuitable for acquisition as house-site, and that the entire cheri should be moved to a new site to be selected. The Board of Revenue agreed with the Commissioner and recommended that the acquisition of the plot be dropped.

(*c*) Yes.

(*d*) The question of selecting a suitable house-site for the Adi-Dravidas is engaging the attention of the Government.

Administration of Justice

Old offender cases tried by the Sessions Court at Vellore.

* 372 *Q.*—Mr. M. A. Manikkavelu Nayakar : Will the hon. the Law Member be pleased to state the number of old offender cases tried by the Court of Sessions in Vellore from January 1931 to September 1932?

A.—The Government have not the information, but will call for it.

Prisons and Prisoners

Mappilla prisoners of the Malabar Rebellion of 1921.

* 373 *Q.*—B. Pocker Sahib Bahadur : Will the hon. the Law Member be pleased to state—

(*a*) the number of Mappilla prisoners convicted of offences connected with the Malabar Rebellion of 1921 who were released since 31st March 1931 until 30th June 1932;

(*b*) how many of them were released before the expiry of their sentences; and how many of them after expiry of their sentences; and

(*c*) the number of Mappilla prisoners who are still undergoing imprisonment in consequence of having been convicted of offences connected with the Malabar Rebellion of 1921, viz.:—

(i) in the Andamans; and

(ii) in each of the jails in the Presidency?

A.—(*a*) & (*b*) *One thousand five hundred and forty-two* **Mappilla** prisoners convicted of offences connected with the **Malabar** Rebellion of 1921 were released before the expiry of **their**

sentences between the 31st March 1931 and the 30th June 1932. None was released on the expiry of their sentences during this period.

(c) (i) 148. (This number excludes 227 prisoners whose release has been ordered but who have not yet been repatriated to India for want of passage facilities.)

(ii) The number of prisoners in each of the various Indian Jails is given below:—

Rajahmundry Central Jail	5
Vellore Central Jail	182
Trichinopoly Central Jail	2
Coimbatore Central Jail	2
Penitentiary, Madras	4
Cannanore Central Jail	5
Salem Central Jail	4
Bellary Central Jail	1
Wellesley Sanatorium Jail, Bellary ...	14
Cuddalore District Jail	1
Mangalore Sub-Jail	1
	221

B. POCKER SAHIB Bahadur:—" May I know, Sir, with reference to the answer to clause (c) (i), which states that 'this number excludes 227 prisoners whose release has been ordered but who have not yet been repatriated to India for want of passage facilities,' what is meant by 'passage facilities'?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Steamers are not available."

B. POCKER SAHIB Bahadur:—" I would like to know whether Government are not bound to find passage for these prisoners and also for their families who were taken at Government expense under the Andamans Colonization Scheme?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" The question is under consideration."

B. POCKER SAHIB Bahadur:—" May I know from the hon. Member whether it is a fact that people are remaining there because Government declined to give passage facilities to their families?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" As far as I am aware, it is not so. But, if my hon. Friend wants an accurate answer, I want notice."

Mr. ABDUL HAMEED KHAN :—" In view of the fact that these prisoners are under repatriation and yet Government are keeping them more or less like prisoners, may I know how far Government are responsible for this?"

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The *hon.* *Diwan Bahadur* Sir M. KRISHNAN NAYAR :—" I do not admit that Government are keeping them there like prisoners."

Mr. ABDUL HAMEED KHAN :—" May I know if that is not a fact that these persons are under repatriation, they have been released and are to come back, and yet the Government are keeping them, for want of, as they allege, passage facilities? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Yes, the Government are not intentionally keeping them there."

Mr. ABDUL HAMEED KHAN :—" May I know whether the Government have tried their best to see that passage is found for these people ? I am sure if the Government had tried, they would not find any difficulty in getting passages for these men."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Government have tried and Government will try."

Mr. YAKUB HASAN :—" May I know for how long these people have been there for want of passage facilities ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Notice, Sir."

B. POCKER SAHIB Bahadur :—" Will the Government consider the desirability of releasing these 148 and 221 prisoners referred to in clause (c) (i) and (ii)? "

The *hon.* *Diwan Bahadur* Sir M. KRISHNAN NAYAR :—" Government have considered the question, but they are not prepared to release them now."

Mr. ABDUL HAMEED KHAN :—" May I ask the hon. Member which are the steamer companies that Government have asked in order to find accommodation for bringing these repatriates? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Notice, Sir."

General

Rules, if any, prohibiting officers from selling their belongings to the people in their jurisdiction.

* 374 *Q.*—Swami A. S. SAHAJANANDAM : Will the hon. the Member for Revenue be pleased to state whether there are any rules of the Government prohibiting officers from selling their belongings to the people in their jurisdiction ?

A.—The attention of the hon. Member is invited to paragraph 9 of the Government Servants' Conduct Rules herein extracted—

" 9. *Buying and selling houses and other valuable property.*—(1) Save in the case of a transaction conducted in good faith with a regular dealer, a Government servant of gazetted rank, who intends to transact any purchase, sale or disposal by other means of movable or immovable property exceeding

in value Rs. 200, with an Indian residing, possessing immovable property or carrying on business within the station, district or other local limits for which such Government servant is appointed, shall declare his intention to the Commissioner of the division or to such other officer as the local Government may appoint. When the Government servant concerned is himself the Commissioner of the division or the other officer appointed, he shall declare his intention to the local Government. Any declaration shall state fully the circumstances, the price offered or demanded and, in the case of disposal otherwise than by sale, the method of disposal. Thereafter such Government servant shall act in accordance with such orders as may be passed by the Commissioner, the other officer appointed, or the local Government as the case may be.

(2) Notwithstanding anything contained in sub-rule (1), a Government servant of gazetted rank who is about to quit the station, district or other local limits for which he has been appointed may, without reference to any authority, dispose of any of his movable property by circulating lists of it among the community generally or by causing it to be sold by public auction."

2. *Heads of departments are empowered to deal with declarations of the nature specified in sub-rule (1) of this rule from Government servants serving in their respective departments.*

Petition from Viswabrahmans for repeal of G.O. No. 659, Home (Mis.), dated the 26th May 1913.

* 375 *Q.*—Pandit GANALA RAMAMURTI : Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the Government received subsequent to 4th August 1931 any monster petitions from the Andhra section of the Viswabrahmana community requesting them to repeal G.O. No. 659, Home (Miscellaneous), dated 26th May 1913; and

(*b*) what action they have taken or propose to take on it?

A.—(*a*) No.

(*b*) Does not arise.

Pandit GANALA RAMAMURTI :—" In view of the assurance given by the hon. Member on another occasion, may I request the Government to cancel the Government Order referred to ? "

The hon. Sir ARCHIBALD CAMPBELL :—" I have spent considerable time on two occasions explaining to the House that the Government Order of 1913 had already been cancelled, so far as the Viswabrahmana community was concerned, in 1921."

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Land Revenue Administration

Circular by the Collector, East Godavari, restricting the participation of village officers in the elections to taluk boards.

* 376 *Q.*—Mr. A. Ranganatha Mudaliyar: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the District Collector, East Godavari, has issued a circular to his Revenue Subordinates in the district that the village officers should not take an active part in the elections to the taluk boards "otherwise than as candidates themselves" and if so, whether the said circular was issued at the instance of the Government directing him in particular or Collectors generally to see that village officers took no part in the elections;

(*b*) whether the Tahsildar of Ramachandrapuram, in communicating the order of the Collector for the information and guidance of Revenue Inspectors, has specially enjoined on them to report "at once" the village officers who "work for Congress Party" and if so, the reasons for the special mention of the Congress Party, without referring by name to any of the other parties in the district; and

(*c*) whether copies of the Government order, the Collector's and the Tahsildar's circular on the subject will be placed on the table of the House?

A.—(*a*) & (*b*) The Government are not aware of any such circular or order, but have called for a report.

(*c*) The suggestion will be considered when the report is received.

Mr. A. Ranganatha Mudaliyar:—"May I know whether the Government issued any such circular or instruction to the Collector?"

The hon. Sir Archibald Campbell:—"I am not aware of it, Sir. I must ask for notice."

Mr. A. Ranganatha Mudaliyar:—"What is the attitude of Government in regard to the circular issued by the Collector? Do they approve of it or differ?"

The hon. Sir Archibald Campbell:—"I cannot say anything about it until I receive the report referred to."

Mr. K. A. Nachiyappa Gounder:—"In view of the fact that the elections are going to be held in a short time, may I know whether the Government will consider the necessity of issuing orders soon?"

The hon. Sir Archibald Campbell:—"As I have already stated, when we get the report from the Collector, we will consider what is to be done on it."

Mr. A. Ranganatha Mudaliyar:—"In view of the ensuing elections, will not the Government consider the desirability of asking the officials, both Revenue and Police, not to interfere in elections?"

The hon. Sir Archibald Campbell:—"There is already a provision in the Government Servants' Conduct Rules."

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Mr. V. M. RAMASWAMI MUDALIYAR :—" What is the attitude of the Government in regard to the village officers taking part in elections to Taluk Boards, apart from any circulars issued by Collectors? "

The hon. Sir ARCHIBALD CAMPBELL :—" I must ask for notice."

Local Self-Government

Alleged diversion of the Education Fund of the Berhampur Taluk Board for payment of overdrawals from the Government Treasury.

* 377 *Q.*—Sriman M. G. PATNAIK Mahasayo: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the Taluk Board, Berhampur, was directed to make a refund under Government orders of about Rs. 40,000 said to have been drawn from the Government treasury from time to time in excess of what is due to the taluk board by mistake;

(*b*) whether the taluk board has made the refund;

(*c*) if so, whether in instalments or in a lump sum;

(*d*) whether any portion of the amount refunded was met out of the Education Fund;

(*e*) if so, whether the previous sanction of the Government was obtained to draw upon the Education Fund;

(*f*) the reasons for granting such sanction;

(*g*) the circumstances in which the Berhampur taluk could draw from the Government treasury moneys in excess of its funds and the period during which the sum total of Rs. 40,000 was drawn;

(*h*) who was responsible for such excess payments; and

(*i*) how long the audit department and the account department took to discover such excess payments?

A.—(*a*) The board was asked to refund a sum of Rs. 34,277 only being the excess credit of cesses made to it in faslis 1334 to 1336.

(*b*) Yes.

(*c*) In instalments.

(*d*) Yes.

(*e*) No; the sanction of Government is not necessary for the refund from the Elementary Education Fund of the excess education cess credited to that fund.

(*f*) The question does not arise.

(*g*), (*h*) & (*i*) An extract [a] from the Proceedings of the Board of Revenue, Land Revenue and Settlement, explaining the circumstances which led to an excess payment of cesses to certain local bodies is laid on the table.

Sriman M. G. PATNAIK Mahasayo:—" With reference to the answer to clause (e), may I know whether the money was credited to the education fund by mistake, and whether the money belonging to the education fund is not kept separately ear-marked for the purpose? "

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[a] Printed as Appendix III on pages 611–612 infra.

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The hon. the RAJA OF BOBBILI :—" The amount of education cess credited in excess to the Elementary Education Fund is Rs. 6,860.

" Yes, they are kept separately."

Mr. A. RANGANATHA MUDALIYAR :—" Turning to the appendix, may I ask when the mistake made in fasli 1334 should have been discovered in the usual course? "

The hon. the RAJA OF BOBBILI :—" Notice, Sir."

Education

Meeting of the Text-books Committee for prescribing the English Text for the S.S.L.C. Examination, 1934.

* 378 *Q.*—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister for Education and Excise be pleased to state whether the committee for recommending text-books in English for the S.S.L.C. Public Examination, 1934, has met and made its recommendations?

A.—Yes.

Mr. ABDUL HAMEED KHAN :—" May I know on what principle the selections of text books are made? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" That is a matter for the Committee."

Mr. ABDUL HAMEED KHAN :—" May I know whether the Government knows what the Committee does? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" No. The Committee is an autonomous body."

Mr. ABDUL HAMEED KHAN :—" It may be an autonomous body, but does not the Government know what that Committee does? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" I have no information, Sir."

Mr. BASHEER AHMED SAYEED :—" May I ask, Sir, who constitutes the Committee and whether there are any principles governing the constitution of this Committee? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" The Government appoint this Committee. Persons suitable for the work are appointed and there are no particular set of rules for that."

Mr. V. T. ARASU :—" May I know whether it is a fact that for the past ten years a certain book-seller has been given a monopoly for the supply of Tamil books? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" Notice, Sir."

Mr. V. T. ARASU :—" Will the hon. Minister make enquiries and ascertain whether it is a fact or not? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" I shall examine the question."

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Mr. Basheer Ahmed Sayeed :—" May I ask whether the Director of Public Instruction is consulted before the committee is constituted? "

The hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" I cannot say."

Mr. Abdul Hameed Khan :—" May I know then, who is really responsible for the appointment of this committee ? "

The hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" I think it is the Government. Mr. President, Sir, the question relates to quite another matter and that is whether the committee has made its recommendation. Now, all these questions with regard to its constitution, its procedure and its working, etc., do not arise. I therefore want notice of such questions."

Mr. Basheer Ahmed Sayeed :—" May I know whether it is a fact that the proceedings of that committee are not fully carried out, but very frequently those proceedings are tampered with on account of certain other interests prevailing? "

The hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" I do not know, Sir."

Mr. Basheer Ahmed Sayeed :—" May I ask whether the hon. Minister will call for the cases in which the proceedings of the committee, although they were once final, have not been given effect to, and why they have not been given effect to? "

The hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" By whom they were not given effect to? "

Mr. Basheer Ahmed Sayeed :—" The Secretary or perhaps the Chairman of the Committee has not given effect to them, although the resolutions were passed months ago and in some cases a year ago. May I know whether and why this is being done? "

The hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" I shall examine that matter."

Mr. V. T. Arasu :—" May I know whether the committee as a body makes the recommendations or the Secretary in the name of the committee? "

The hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" The committee."

Mr. V. M. Ramaswami Mudaliyar :—" May I ask whether the minutes of this committee are sent to the Government for information? "

The hon. Diwan Bahadur S. Kumaraswami Reddiyar :—" I cannot say off-hand. I want notice. "

Grants to District Educational Councils.

* 379 *Q.*—Mr. A. B. Shetty : Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) what amounts were placed at the disposal of the different District Educational Councils in 1930–31 and 1931–32;

(b) whether in making these grants the fact that more schools were admitted for aid during these years was taken into account;

(c) whether the District Educational Councils are asked not to admit more schools for aid after their budgets are submitted, and if so, what the latest date is for the submission of the budgets;

(d) whether in making provision in their budget the Government take into consideration the probable and possible increase in the number of schools that may be admitted for aid during the year and the district educational councils are appraised of that fact and they are required not to admit for aid more than the number of schools for which provision has been made in the budget;

(e) whether it is a fact that the admission of more schools for aid than the number for which provision has been made in the budget has resulted in percentage cut in grants sanctioned for aided schools in certain districts in the presidency; and

(f) what steps have been taken or proposed to be taken to prevent this percentage cut?

A.—(a) A statement[*] is placed on the table.

(b) Yes.

(c) The latest date for the submission of their budgets by District Educational Councils is the 30th November. Under the rules framed under the Madras Elementary Education Act, District Educational Councils are empowered to admit schools to supplemental aid even after the submission of their budgets.

(d) Until 1930–31, the provision in the Civil Budget Estimate used to be made on the basis of the requirements reported by District Educational Councils. It is now made on the basis of the assessed grants. The distribution of the budget appropriation is based on the actual requirements of District Educational Councils. The total amount of budget appropriation under this head depends upon the financial position of Government.

(e) No. In the year 1931–32, a $3\frac{1}{2}$ per cent cut had to be imposed on grants generally as a measure of retrenchment: in addition, the provision for night schools was also substantially reduced owing to the adoption of a policy of weeding out ill-conducted schools.

(f) In the current year it is proposed to impose only a 2 per cent cut. The question whether a cut should be imposed in future years will be considered with reference to the financial position.

Proposal to abolish the Government Training School at Russellkonda.

* 380 Q.—Sriman M. G. Patnaik Mahasayo: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether it is proposed to abolish the Government Training School at Russellkonda;

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[*] Printed as Appendix IV on page 613 infra.

(*b*) if so, the saving that will be made by such abolition;

(*c*) whether there is a model school attached to the said training school;

(*d*) the number of teachers under training at Russellkonda in 1926–27, 1927–28, 1928–29, 1929–30, 1930–31, 1931–32 and now;

(*e*) the provision that is going to be made for training teachers of the area who were hitherto trained at Russellkonda;

(*f*) the number of training schools that would be available for training Oriya teachers of the elementary grade after the abolition of the training school at Russellkonda excluding the training schools in the Agency tracts maintained for the benefit of the Agency people;

(*g*) whether the Government considered the question of abolishing the training school at Chicacole;

(*h*) when the permanent building for the training school at Russellkonda was constructed and at what cost; and

(*i*) the use to which the said building will be put in case the training school at Russellkonda is abolished?

A.—(*a*) There is no such proposal before the Government.

(*b*), (*e*), (*f*) & (*i*) Do not arise.

(*c*) Yes.

(*d*) A statement[a] of the number of teachers trained in the school during the years 1926–27 to 1931–32 is annexed. Information for the year 1932–33 is not available.

(*g*) No.

(*h*) The Government have not the information.

Excise

Sale of illicit arrack in Vellore.

* 381 *Q.*—Mr. M. A. Manikkavelu Nayakar: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) whether it is a fact that about the middle of April last a petition was received by the Inspector of Excise, Vellore town, bringing to notice several cases of illicit sale of arrack in Vellore;

(*b*) if so, what action was taken on the petition; and

(*c*) whether steps were taken to put down illicit sales?

A.—(*a*) to (*c*) The Government have not the information.

Mr. M. A. Manikkavelu Nayakar:—" Will the Government be pleased to call for the information? "

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" Yes, Sir."

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[a] Printed as Appendix V on page 613 infra.

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Fisheries

Advances for fish-curing yards.

* 382 *Q.*—Mr. A. B. Shetty: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) (1) the amounts advanced by the Government for the construction of fish-curing yards, (2) the amounts advanced for putting up curing sheds, and amounts so far recovered;

(*b*) the method adopted in recovering the advances;

(*c*) whether the curers become absolute owners of these yards as soon as the amounts are recovered, and if so, in whom the ownership is vested; and

(*d*) whether the consent of the curers is obtained when a fish-curing yard is opened or shifted from its old site and expenditure is incurred in the acquisition of land and the construction of buildings?

A—(*a*)—

	Amounts advanced subsequent to 1st April 1924.			Amounts recovered up to 1st September 1932.		
	RS.	A.	P.	RS.	A.	P.
(1)	34,902	10	6	5,687	8	5
(2)	7,330	0	0	3,951	6	2

(*b*) By the levy of a cess from curers at the rate of one pie per seer of salt sold to them.

(*c*) Yes.

(*d*) Yes. The initiative in the matter is always taken by the curers.

Exemption of duty on salt supplied to fish-curing yards.

* 383 *Q.*—Mr. A. B. Shetty: Will the hon. the Minister for Education and Excise be pleased to state—

(*a*) whether the Government of India are pleased to forego the duty on salt issued for curing purposes in fish-curing yards in this Presidency;

(*b*) whether the issue price of salt in fish-curing yards takes into account this fact;

(*c*) what items of expenditure are debited to the fish-curing yards account;

(*d*) whether the curers have to pay for sweeping and lighting charges;

(*e*) whether the Government have decided to run the fish-curing yards on commercial lines and make them self-supporting;

(*f*) whether the Government are aware that the cured fish has ceased to fetch the price even to cover cost price; and

(*g*) whether the Government have decided to reduce the issue price of salt as recommended by the Fisheries Committee?

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A.—(*a*) Yes.

(*b*) Yes.

(*c*) The items of expenditure debited to the fish-curing yards account are:—

1. Cost of salt.
2. Cost of transport of salt.
3. Establishment.
4. Travelling allowance.
5. Overtime fees.
6. Clothing.
7. Supervision.
8. Pensionary contribution.
9. Other contingencies.
10. Repairs.

(*d*) No.

(*e*) They are not run on commercial lines as the Government do not want to make any profit from their working; but they are anxious that they should not be run at a loss.

(*f*) In some cases, sale price may be less than the cost price.

(*g*) No.

Administration of Justice

Jurisdiction of the Panchayat Court at Chidambaram.

* 384 *Q.*—Mr. M. Devadasan: Will the hon. the Law Member be pleased to state—

(*a*) what the total population is of the municipal area of Chidambaram under the jurisdiction of the Panchayat Court;

(*b*) what the total population is of the non-municipal area of the Chidambaram Panchayat Court; and

(*c*) whether the residents of the Panchayat Court area raised any objection to the amalgamation of any of the villages under one Panchayat Court at the time of the constitution of the Chidambaram Panchayat Court?

A.—(*a*) 24,891.

(*b*) Chidambaram non-municipal—3,054.

(*c*) No objection petitions were received to the constitution of the Panchayat Court as notified in G.O. No. 5131, Law (General), dated 6th December 1930.

Mr. A. Ranganatha Mudaliyar:—"May I know whether any petitions were received after the constitution of the Panchayat Court?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"Apparently so."

Mr. A. Ranganatha Mudaliyar:—"What was the complaint about?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"Petitions were received from different factions. They are referred to in the subsequent questions."

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Suspension of the jurisdiction of the Chidambaram Panchayat Court in the municipal area.

* 385 *Q.*—Mr. M. DEVADASAN: Will the hon. the Law Member be pleased to state—

(*a*) whether five of the seven members of the Panchayat Court of Chidambaram are residents of the municipal area of the Panchayat Court;

(*b*) whether these five members were elected by the voters of municipal and non-municipal area; and

(*c*) under what provision of the law was the jurisdiction of the Chidambaram Panchayat Court suspended in the municipal area?

A.—(*a*) Only three members are residents of the municipal area.

(*b*) It is not possible to say whether the voters were residents of municipal and non-municipal areas.

(*c*) The panchayat court as reconstituted in G.O. No. 5131, Law (General), dated the 6th December 1930, came into existence only in October 1931. Ever since its constitution doubts had been felt by the local residents whether the Chidambaram village, included in the notification issued in the said Government Order, referred to both the Chidambaram municipal and Chidambaram non-municipal villages. There were also petitions and counter-petitions regarding the jurisdiction of the panchayat court in respect of the municipal area. The Revenue Divisional Officer, Chidambaram, issued orders both to the village munsif of Chidambaram municipal village and the panchayat court not to take cognizance of civil suits arising in the municipal area until the question was finally settled by the Government.

Curtailment of the territorial jurisdiction of the Panch at court, Chidambaram.

* 386 *Q.*—Mr. M. DEVADASAN: Will the hon. the Law Member be pleased to state—

(*a*) whether the panchayat court of Chidambaram was directed not to take cognizance of the civil cases of the municipal area by an order of the Tahsildar of Chidambaram;

(*b*) if so, when and why such an order was passed;

(*c*) whether the order of the Tahsildar, dated 5th April 1932, is in contravention of the G.O. Mis. No. 5131, Law, dated 6th December 1930;

(*d*) whether the panchayat court, as constituted, included the Municipal area; and

(*e*) if it is so, why should the panchayat court be divested of the power of trying cases within the municipal area?

A.—(*a*) Yes.

(*b*) On 15th April 1932 at the instance of the Revenue Divisional Officer, Chidambaram.

(*c*) *to* (*e*) The attention of the hon. Member is invited to the answer to clause (*c*) of Legislative Council question No. 385.

Re-grouping of villages under the Chidambaram Panchayat Court.

* 387 *Q*.—Swami A. S. SAHAJANANDAM: Will the hon. the Law Member be pleased to state—

(*a*) whether the suggestion of re-grouping villages under the Chidambaram Panchayat Court proceeded solely from the Revenue Divisional Officer; and

(*b*) whether any objection or suggestion was called for from the public for such re-grouping?

A.—(*a*) As far as the Government are aware the proposal for the reconstitution of the panchayat court was from the District Collector.

(*b*) The Government have no information.

Postponement of the date fixed for election to the Panchayat Court, Chidambaram.

* 388 *Q*.—Swami A. S. SAHAJANANDAM: Will the hon. the Law Member be pleased to state—

(*a*) whether the order for the holding of the election of the Chidambaram Panchayat Court to be newly formed fixed to take place on the 15th October 1932 was cancelled;

(*b*) whether the District Collector disallowed the election taking place and what the grounds were for doing so;

(*c*) whether there is any petition presented to the Government or to the District Collector against the re-grouping of villages; and

(*d*) whether all the papers relating to the subject will be laid on the table?

A.—(*a*) Yes. The election has been ordered to be postponed to a date early in November 1932.

(*b*) The District Collector ordered the postponement of the election on the ground that the notification issued in G.O. No. 3454, Law (General), dated 20th September 1932, reconstituting the panchayat court had not been published in the *South Arcot District Gazette*.

(*c*) Yes, petitions were received by Government from the hon. Member himself, the President of the Panchayat Court and others.

(*d*) Copies [a] of letter No. A-7, 8183-32, dated 15th October 1932, from the Collector of South Arcot and of G.O. No. 3806, Law (General), dated 20th October 1932, only are available and are laid on the table.

Abolition of the Panchayat Court at Vizagapatam.

* 389 *Q.*—Pandit Ganala Ramamurti: Will the hon. the Law Member be pleased to state—

(*a*) on what grounds have the Government abolished the Panchayat Court at Vizagapatam;

(*b*) whether the Government would be pleased to lay on the table the official correspondence concerning this subject along with the report of the local authorities and the minutes of the local District Munsif including the explanation submitted by Mr. Battula Appala Narasayya Nayudu, the then President of the said Court, in that connexion;

(*c*) whether the Court had any warning sufficiently early of its abolition; and

(*d*) whether the Government have received any monster petitions and resolutions passed at public meetings protesting against its abolition?

A.—(*a*) The Collector recommended the abolition of the Panchayat Court as its work was unsatisfactory. The Government accepted his recommendation.

(*b*) Copies [b] of the Collector's letter R.C. No. 1393/32-A-2, dated 8th April 1932 and G.O. No. 2834, dated 30th July 1932, are placed on the table.

(*c*) The Government have no information.

(*d*) A memorial protesting against the abolition of the Panchayat Court was received from the residents of Vizagapatam after orders abolishing the Court were issued.

Pandit Ganala Ramamurti:—" May I ask the hon. Member whether, in view of the strong resentment, the Government will reconsider their order ? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" Not at once."

Mr. A. Ranganatha Mudaliyar:—" May I know by what criterion the work of these courts is judged? Is it by the number of disposals of cases, etc.? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" The Collector says that it is unsatisfactory."

Panchayat Court for Kovilur village, North Arcot district.

* 390 *Q.*—Mr. M. A. Manikkavelu Nayakar: Will the hon. the Law Member be pleased to state—

(*a*) why a panchayat court has not been constituted in the village of Kovilur, Cheyyar taluk, North Arcot district;

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[a] Printed as Appendix VI on pages 614–615 infra.
[b] Printed as Appendix VII on pages 615–616 infra.

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(b) whether the villagers have passed a resolution praying for the constitution of a panchayat court and communicated it to the Revenue Divisional Officer, Cheyyar;

(c) what action the Revenue Divisional Officer has taken on the communication and whether the constitution of a panchayat court has been recommended by him; and

(d) whether panchayat courts are constituted in villages far smaller than Kovilur, the village in question now?

A.—(a) Proposals for constitution of panchayat courts are made by Collectors. In this case no such proposal was received by Government.

(b) *to* (d) The Government have no information but will call for it.

Prisons and Prisoners

Alleged lathi charge on the prisoners in the Central Jail, Bellary, on 12th September 1932.

* 391 Q.—Mr. SAMI VENKATACHALAM CHETTI: Will the hon. the Law Member be pleased to state—

(a) whether there was a lathi charge on prisoners in the Central Jail, Bellary, on or about 12th September 1932;

(b) what were the reasons which led to it;

(c) whether it is a fact that fifty reserve constables with two reserve sergeants joined by about sixty warders began to beat all the political prisoners;

(d) whether it is a fact that some prisoners were injured; if so, how many and who;

(e) how many of the prisoners had their limbs fractured;

(f) whether A. V. Raghavachar is one of those whose limbs were fractured;

(g) what the nature is of injuries sustained by P. Ramalingam, Mallikarjuna Rao, P. Satyanarayana Rao, Veerabhadra Rao, Atchaiah, A. Satyanarayna Rao and Deekshitulu;

(h) whether it is a fact that political prisoners who were then engaged in studying and in the workshop were also beaten;

(i) whether it is a fact that one K. C. Banakar was severely beaten; and

(j) whether his body was swollen on that account?

A.—(a) Yes, on 12th September 1932.

(b) On the morning of Monday 12th September 1932, which was the weekly inspection day, the Superintendent of the Jail was inspecting the two Lahore Conspiracy Case prisoners, who are confined in cells away from the others in the

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close prison and he noticed that they were without their weighment charts and caps. He told them that they should abide by the jail rules and parade like other prisoners. One of the two prisoners at once fell out of line and stated in a defiant manner that he would refuse to obey all orders of the jail. The Superintendent ordered him to fall into line again, but to no purpose. He, thereupon, ordered the deputy jailer to have the recalcitrant prisoner removed for the purpose of punishing him. At this order, the prisoner stepped out into the open, pulled up his sleeves and challenged the Superintendent to fight with him. Two warders proceeded to catch him, but he broke away from them, ran to the close prison where the other Civil Disobedience prisoners were, and began to shout 'Up with revolution and down with British Flag.' This soon created an excited mob of Civil Disobedience prisoners who rushed towards the jail authorities. The Superintendent ordered a batch of 12 warders with lathis to fall in and remain in readiness. He also sent a telephone message requisitioning for the services of the reserve police. In the main jail, a squad of warders was paraded and kept in readiness for any emergency. As grave trouble was apprehended, the alarm was sounded and all the jail staff collected together. By this time, the two Lahore Conspiracy Case prisoners were, after a great struggle, taken to two cells in the main jail. The mob became very excited and attacked the jail staff. The Superintendent ordered the prisoners to get back to their cells. They refused, and entered the school, hospital, and workshops and were shouting revolutionary slogans. Urinal chatties, eating and drinking vessels and breast tickets were thrown at the jail officials. Most of the Civil Disobedience prisoners destroyed their weighment charts and medical history sheets. Many destroyed their caps, clothing and eating and drinking vessels. When the reserve police arrived, they were ordered to put the prisoners into the cells by force. At first, there was a free fight between the Civil Disobedience prisoners and the lathi party. After a time, the prisoners were forced back into their cells and were locked in.

(c) Thirty warders, thirty-six police reserve constables, one Reserve Inspector of Police, and one police sergeant took part in the lathi charge. All the Civil Disobedience prisoners who took part in the disturbance, about 145 in number, were put into their cells by force. Some of them were carried to their cells and others had to be pushed in by force. Only the necessary amount of force was used.

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(*d*) & (*e*) About 60 prisoners were injured of whom only 21 received injuries worth noting. The injuries received by the others were of the nature of scratches and abrasions. Even the 21 cases recorded were trivial with the exception of the case of a single fracture of the fifth bone in convict Brahmappa's right hand.

(*f*) No.

(*g*) An extract [a] from wound register of the jail is appended. Convicts Veerabhadra Rao, Atchaiah, Satyanarayana Rao and Deekshitulu received no injuries.

(*h*) No.

(*i*) & (*j*) No.

Mr. Basheer Ahmed Sayeed:—" May I know whether the Superintendent of the Jail could not have persuaded the recalcitrant prisoners to fall in line, instead of adopting the provocative course which he had taken ? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" He tried and failed."

Alleged participation of Major Ramanan in the lathi charge made in the Bellary Jail on 12th September 1932.

* 392 *Q.*—Mr. Sami Venkatachalam Chetti: With reference to the lathi charge on political prisoners in the Bellary Central Jail on or about the 12th September 1932, will the hon. the Law Member be pleased to state—

(*a*) whether it is a fact that Major Ramanan was also present on the scene; whether he also directed the lathi charge;

(*b*) whether he himself beat with a lathi one Lakshmanachar of Anantapur and others;

(*c*) whether it is a fact that Major Ramanan picked out some prisoners and beat them with lathis;

(*d*) whether this Major Ramanan went to the hospital and beat the prisoners there;

(*e*) whether Sam Kutty, the Sub-Assistant Surgeon, beat some of the prisoners;

(*f*) whether it is a fact that this Sam Kutty gagged Ramalingam with cloth and beat him; and

(*g*) whether the articles of prisoners like soap, tooth-brushes, spectacles, shoes, etc., were removed from them; where those articles are at present?

A.—(*a*) The answer to the first part of the question is in the affirmative and the answer to the second part is in the negative.

(*b*), (*c*), (*e*) & (*f*) No.

[a] Printed as Appendix VIII on pages 616–617 infra.

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(*d*) The answer to the first part is in the affirmative, and the answer to the second part is in the negative.

(*g*) The hon. Member is referred to rules 242, 291, 409 and 410 of the Madras Jail Manual. Only contraband articles were removed and destroyed.

Mr. SAMI VENKATACHALAM CHETTI :—" May I know whether these two Punjabi prisoners were flogged in the presence of about 30 political prisoners ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I do not know, Sir."

Mr. SAMI VENKATACHALAM CHETTI :—" May I know if he had put that question to the Jail Superintendent and got a negative reply ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" There is no need for doing so, because the report which the Government have received contained detailed informatiou."

Mr. SAMI VENKATACHALAM CHETTI :—" Does it mean that the detailed information might not have omitted some things ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Not likely."

Mr. SAMI VENKATACHALAM CHETTI :—" May I tell the hon. Member that it is very likely that some facts might have been omitted and will he please make enquiries and find out whether this did not take place? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I shall consider my hon. Friend's suggestion."

Mr. SAMI VENKATACHALAM CHETTI :—" Where is the necessity for consideration and why should the hon. Member take any time to consider it? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Because I am not convinced that the allegations made by my hon. Friend are true."

Dr. P. SUBBARAYAN :—" In view of the assertion of my hon. Friend, will the hon. the Law Member at least consider the desirability of getting that information ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" That is why I said that I shall consider."

Mr. A. RANGANATHA MUDALIYAR :—" May I know whether all the other political prisoners were first assembled together and the Lahore prisoners were then placed in their midst and subjected to flogging ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I do not admit they were flogged for this purpose."

Mr. ABDUL HAMEED KHAN :—" May I know whether they were flogged at all ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" One of them was whipped."

Mr. Abdul Hameed Khan:—"Why, Sir?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"Because he insulted the Superintendent of the Jail and threw shoes and urine pots at him."

Mr. Abdul Hameed Khan:—"What is the insult in respect of the other prisoners?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"Abusive language and throwing urine pots."

Mr. Abdul Hameed Khan:—"Under the rules, is that the punishment prescribed for that?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"That is one of the punishments."

Mr. Abdul Hameed Khan:—"Will the hon. Member find out 11
whether the Superintendent of the Jail could not have used any other alternative form of punishment?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"For that heinous jail offence, no other alternative punishment would have been appropriate."

Mr. Abdul Hameed Khan:—"May I know, Sir, whether the hon. the Law Member approves of this punishment?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"Yes, Sir."

Mr. Sami Venkatachalam Chetti:—"May I know whether that particular instance of flogging had not occurred in the presence of political prisoners?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"Notice, Sir."

Mr. A. Ranganatha Mudaliyar:—"May I know what the punishment was that was actually inflicted?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"Whipping."

Mr. Basheer Ahmed Sayeed:—"May I ask, if Major Ramanan was not the person who directed the lathi charge, who it was that actually did so?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"The Inspector of Police who was in charge of the reserve constables who came there."

Mr. Sami Venkatachalam Chetti:—"May I know if the hon. the Law Member had issued instructions to remove the bar fetters since he made a promise to consider the matter?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"Not yet."

Mr. Sami Venkatachalam Chetti:—"May I ask whether the hon. the Law Member has not already taken steps to carry out that promise."

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"I have not yet done so."

Mr. ABDUL HAMEED KHAN :—" May I know where the flogging took place? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Within the jail premises."

Mr. ABDUL HAMEED KHAN :—" What part of the jail premises? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I cannot say."

Mr. ABDUL HAMEED KHAN :—" May I know if it was in the single cell of the particular prisoner or in the open court-yard? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I cannot say."

Mr. SAMI VENKATACHALAM CHETTI :—" Is it usual to flog prisoners in the open court-yard? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" It is very unusual to whip prisoners at all whether in the open court-yard or in any other part of the jail premises."

Mr. SAMI VENKATACHALAM CHETTI :—" But if flogging has to be administered, where does it take place? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" It is left to the discretion of the Superintendent."

Mr. YAKUB HASAN :—" Will the hon. the Law Member issue orders that flogging should not take place in future? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" As a matter of fact, whipping can take place only with the special consent of the Government."

Mr. SAMI VENKATACHALAM CHETTI :—" Was the special consent of the Government taken in this instance? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Yes, Sir."

Mr. SAMI VENKATACHALAM CHETTI :—" Was it previously taken or was it anticipated? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" It was previously taken, and it was only after taking the consent that the punishment was and could be inflicted."

Mr. SAMI VENKATACHALAM CHETTI :—" Am I to take it that the hon. the Law Member was responsible for the flogging of those prisoners? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I am responsible."

Mr. A. RANGANATHA MUDALIYAR :—" The hon. the Law Member said that the flogging was inflicted for a subsequent offence. May I know whether the political prisoners were compelled to witness the flogging inflicted for that subsequent offence? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" As I said more than once, I am not in a position to answer that question."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR :—" Will the Government be pleased to place the report of the District Magistrate on the table of the House? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" The answer is already given in the printed paper."

Mr. BASHEER AHMED SAYEED :—" May I know what exactly was the report of the District Magistrate and the Superintendent of Police? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" The contents of the report were given in the answer to question No. 391.

Mr. T. S. RAMASWAMI AYYAR :—" May I know what is the nature of the second offence for which this flogging was resorted to? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I mentioned that more than twice this morning. It was for insulting the Jail Superintendent and throwing urine pots and other things at him."

Visit to the Bellary Jail of the District Magistrate and the District Superintendent of Police in connexion with the lathi charge made on 12th September 1932.

* 393 *Q.*—Mr. SAMI VENKATACHALAM CHETTI : With reference to the lathi charge on political prisoners in the Bellary Central Jail on or about the 12th September 1932, will the hon. the Law Member be pleased to state—

(*a*) whether the District Magistrate and the District Superintendent of Police visited the Jail on the 14th September 1932;

(*b*) whom did they examine;

(*c*) whether any of the injured have given statements;

(*d*) whether they have seen the injured people; and

(*e*) whether the statements of these will be placed on the table of the House?

A.—(*a*) The District Magistrate and the District Superintendent of Police visited the jail on the 14th, 15th and 16th September 1932.

(*b*) Eleven witnesses were examined of whom five were Civil Disobedience prisoners, four Jail officials and two Police officials.

(*c*) & (*d*) Yes.

(*e*) No.

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Alleged enforcement of the political prisoners in the Bellary Jail to shave their heads.

* 394 *Q.*—Mr. SAMI VENKATACHALAM CHETTI: With reference to the lathi charge on political prisoners in the Bellary Central Jail on or about the 12th September 1932, will the hon. the Law Member be pleased to state—

(*a*) whether the political prisoners were compelled to shave their heads; whether they were handcuffed and bar-fettered; and

(*b*) whether the practice of shaving the heads of the prisoners was not enforced in the case of the political prisoners; if so, why was this resorted to in the case of these prisoners?

A.—(*a*) & (*b*) Rule 255 of the Madras Jail Manual which relates to the cutting or shaving of the hair of convicts including Civil Disobedience prisoners has been observed at all times. Twenty-two ringleaders were ordered to be bar-fettered and none was handcuffed.

Hunger strike of the political prisoners in the Bellary Jail.

* 395 *Q.*—Mr. SAMI VENKATACHALAM CHETTI: With reference to the lathi charge on political prisoners in the Bellary Central Jail on or about the 12th September 1932, will the hon. the Law Member be pleased to state—

(*a*) whether it is a fact that about 50 political prisoners are on hunger strike from the 16th September 1932; whether the number has increased or decreased since then; and

(*b*) what the condition is of the prisoners who are now on hunger strike?

A.—(*a*) & (*b*) The hon. Member is referred to the Press Communiqué on the subject, dated 26th October 1932.

Mr. SAMI VENKATACHALAM CHETTI:—"May I know if the hunger strike has ceased with regard to these six prisoners?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Till about a week ago it had not ceased."

Lathi charge in the Central Jail at Bellary, on the 12th September 1932.

* 396 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Law Member be pleased to state—

(*a*) whether there was a severe lathi charge on the political prisoners of Bellary jail, on the 12th September 1932;

(*b*) whether the Government have received a statement regarding the same given by one Mr. S. G. Banakar, a political prisoner, who was in jail and had received injuries in the charge; if so, whether the Government will be pleased to place a copy of the same on the table of the House;

(c) whether the Government have caused an enquiry into the same; if so, who held the same and who were the witnesses examined and what the result is of the enquiry, and whether the hon. Member will be pleased to place a copy of the same on the table of the House; and

(d) what action have the Government taken or propose to take in the matter?

A.—(a) The hon. Member is referred to the answer to clauses (a) and (b) of question No. 391.

(b) The answer to the first part is in the affirmative. The hon. Member is also referred to answers to clauses (i) and (j) of question No. 391. The answer to the second part is in the negative.

(c) The hon. Member is referred to the answer to clauses (a) and (b) of question No. 393. As a result of the enquiry held by the District Magistrate, the conclusions have been reached that two Lahore Conspiracy Case prisoners and the Civil Disobedience prisoners flouted jail discipline and caused a serious disturbance, and that the administration of the jail was satisfactory. The Government are not prepared to place a copy of the District Magistrate's report on the table of the House.

(d) None.

Lathi charge in the Central Jail, Bellary, on or about the 12th September 1932.

* 397 Q.—Mr. A. Ranganatha Mudaliyar: Will the hon. the Law Member be pleased to state—

(a) the total number of political prisoners in the Bellary Central Jail on or about the 12th September 1932;

(b) whether they were subjected to lathi charges and beatings by canes by the Jail warders, reserve constables and others numbering over hundred and if so, the reasons for the charge and the beating;

(c) the number of prisoners who received serious and slight injuries respectively as a result of the abovesaid charges and beating;

(d) whether a record was made at the time of the injuries received by the prisoners;

(e) whether any officers other than the warders and reserve police took part in the beating and if so, who and why;

(f) whether the District Magistrate and the District Superintendent of Police visited the jail on the 14th of September and made inquiries, whether the District Magistrate and the District Judge went to the jail on the 15th of September and made enquiries and whether the District Magistrate made a further enquiry on the 16th of September and if so, the results of the enquiries made on each occasion; and

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(*g*) whether it is a fact that political prisoners sentenced even to rigorous imprisonment were not required to shave their heads clean and whether on or about the 13th of September they were all required to have their heads shaved clean and if so, why?

A.—(*a*) 165.

(*b*), (*c*) & (*d*) The hon. Member is referred to the answer to question No. 391. No canes were used.

(*e*) The answer to the first part is in the negative, and the second part does not arise.

(*f*) The hon. Member is referred to answers to clauses (*a*) and (*b*) of question No. 393 and clause (*c*) of question No. 396. The District Judge visited the jail on 15th September 1932 for attending a quarterly meeting of the Board of Visitors.

(*g*) The hon. Member is referred to the answer to question No. 394.

Lathi charges made in the Bellary jail to enforce discipline among the political prisoners.

* 398 *Q.*—Mr. G. LAKSHMANA REDDI: Will the hon. the Law Member be pleased to state—

(*a*) the number of occasions when lathis were used to enforce discipline among the political prisoners in the Bellary Central Jail from January 1931;

(*b*) the number of prisoners injured on each occasion;

(*c*) the nature of the offences committed to justify lathi charges; and

(*d*) the nature of the injuries caused to the prisoners by lathis or otherwise?

A.—(*a*) Once on 12th September 1932.

(*b*) & (*d*) The hon. Member is referred to the answer to clauses (*d*), (*e*) and (*g*) of question No. 391.

(*c*) Indiscipline and rioting.

Mr. ABDUL HAMEED KHAN:—" In view of the fact that such a large number of hon. gentlemen have taken notice of the conduct of the Superintendent of that Jail, will the Government consider the question of transferring him? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" No, Sir. The Government are convinced that he was not at fault, and so there is no need to transfer him."

Mr. SAMI VENKATACHALAM CHETTI:—" Will the Government be pleased to institute an enquiry co-opting some of the members of this Legislative Council? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" No, Sir."

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Mr. SAMI VENKATACHALAM CHETTI:—"May I draw the attention of the Government to the excellent example set up by the Central Provinces Government in a similar matter?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I am thankful to my hon. Friend for the information that he has conveyed."

Alleged removal of the sacred lingams worn by the Lingayat political prisoners in the Central Jail at Bellary.

* 399 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Law Member be pleased to state—

(*a*) whether on the 12th September 1932, the day of the lathi charge on political prisoners, the officers of the Bellary Jail ordered the removal of sacred lingams and their silver cases worn by the Lingayat political prisoners and whether they were deprived of the same;

(*b*) whether some other necessaries which the political prisoners were allowed to have were forcibly removed from the persons of the political prisoners of the Bellary Jail on the 12th September and whether the same were distributed among the warders as reward; and

(*c*) what action the Government have taken or propose to take in the matter?

A.—(*a*) No.

(*b*) No.

(*c*) None.

Alleged bar-fettering of Messrs. Gaya Prasad and Mahabirsingh.

* 400 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state—

(*a*) when Messrs. Gaya Prasad and Mahabirsingh were transferred to the Central Jail, Bellary, and how long they have been there;

(*b*) whether till 12th September 1932 they were not compelled to wear the convict cap or the metal ticket containing their numbers; and

(*c*) whether for the first time they were asked to wear the cap and the ticket on or about 12th September 1932 and whether on their refusal to do so, they were bound hand and foot and taken to the main prison for being bar-fettered?

A.—(*a*) Convicts Gaya Prasad and Mahabhirsingh were admitted to the Central Jail, Bellary, on the 15th January 1931.

(*b*) & (*c*) They paraded with their caps and breast tickets on, till 12th September 1932, on which date, they refused to put on their caps and tickets and to parade with their weighment charts. They adopted an aggressive attitude, and had to be forcibly carried to cells and put in bar fetters. They were not bound hand and foot.

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Treatment of the political prisoners in the Bellary jail.

* 401 *Q.*—Mr. G. LAKSHMANA REDDI: Will the hon. the Law Member be pleased to furnish a statement with particulars on the following points:—

(*a*) the number of persons convicted under the Ordinances and other laws for offences committed in pursuance of the Civil Disobedience Movement confined in the Bellary Central Jail monthwar from January 1932 onwards up to 30th September 1932;

(*b*) the number of such prisoners placed under A, B and C classes, respectively;

(*c*) the nature of the work allotted to those political prisoners that were sentenced to rigorous imprisonment;

(*d*) the number of prisoners who were given disciplinary punishment in each month for prison offences; and

(*e*) the nature of the breaches of jail discipline committed, and the kind of punishment inflicted for such offences, with the duration of punishment where it took the form of bar-fetters and other restraints and where the prisoner was deprived of the amenities of ordinary prison treatment?

A.—(*a*) A statement [a] is appended.

(*b*) Two in 'A' Class, 24 in 'B' Class and 337 in 'C' Class.

(*c*) The hon. Member is referred to the rules in Chapter XXIV of the Madras Jail Manual.

(*d*) Eighteen in February, 6 in April, 8 in May, 1 in August and 26 in September.

(*e*) The nature of the offences committed and the kind of punishments awarded are indicated below:—

Nature of offences.

1. Refusing to parade on weekly inspection with caps and breast tickets.
2. Writing unauthorized letters and attempting to smuggle them out of jail.
3. Urinating in an unauthorized place.
4. Hitting a warder with a stone.
5. Hoisting a Congress flag on a tree inside the jail.
6. Threatening the Deputy Jailor with murder when he intervened on an occasion when a convict assaulted the Sub-Assistant Surgeon.
7. Assaulting the Sub-Assistant Surgeon.
8. Roaming about the jail without an escort.
9. Being insubordinate to the Superintendent.
10. Climbing an electric post and breaking a glass dome.
11. Being in possession of unauthorised letters.
12. Instigating other convicts to disobey jail rules.

[a] Printed as Appendix IX on page 617 infra.

Nature of offences

13. Singing national songs in the jail.
14. Rioting.
15. Refusing to parade on weekly inspections and abusing the Superintendent when questioned, and the Deputy Jailor when fetters were being applied.

Kind of punishments.

1. Warnings.
2. Forfeiture of remission.
3. Bar and cross-bar fetters.
4. Separate confinement.
5. Loss of prison privileges.
6. Whipping.

The duration of the punishment of bar-fetters ranged from 3 days to 3 months and that of cross-bar fetters from 3 to 7 days. Deprivation of prison privileges for one month.

Butter-milk and ghee to political prisoners in jails.

* 402 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Law Member be pleased to state—

(*a*) whether butter-milk and ghee are allowed for the political prisoners now in jails; and

(*b*) if this privilege is not generally allowed, whether these are allowed at least for those for whom medical advice is given for taking such things ?

A.—(*a*) & (*b*) The hon. Member is referred to rules 347, 359 and 360 of the Madras Jail Manual.

Mr. T. S. RAMASWAMI AYYAR :—" May I know if butter-milk is now given to C class prisoners?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Butter-milk and *even curds are given to A and B class prisoners*, but not always to C class prisoners."

Mr. T. S. RAMASWAMI AYYAR :—" May I draw the attention of the hon. Member to the fact that, when people are sentenced, the magistrate generally has to enquire about the kind of food to which the prisoner is accustomed and direct that that food should be given to him ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Yes, Sir."

Mr. T. S. RAMASWAMI AYYAR :—" Is it not a fact that many prisoners who are being classed as C class prisoners are accustomed to butter-milk ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Some of those who are punished for Civil Disobedience may be accustomed to butter-milk, but ordinarily the C class prisoners are not accustomed to it."

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Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—" May I know, in view of the fact that we have been agitating repeatedly for butter-milk for these prisoners, whether they are political or non-political, who are accustomed to butter-milk, why is it that the Government did not take action in the matter ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" The Government have not considered it necessary."

Mr. SAMI VENKATACHALAM CHETTI:—" May I know what became of the enquiry set on foot to find out whether butter-milk could be substituted for any other portion of the food so far as C class prisoners are concerned ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" There was no enquiry at all."

Mr. SAMI VENKATACHALAM CHETTI:—" May I remind the hon. the Law Member that he mentioned more than once on the floor of this House that he was having enquiries made in the matter I suggested? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" That was not what I said. What I said was that the Inspector-General of Prisons had ordered the use of butter-milk in place of a portion of the dhal and the result of that was being watched. Before the result of the experiment was known, all the Civil Disobedience prisoners who were in jail in 1930 were released."

Mr. A. RANGANATHA MUDALIYAR:—" On what does the hon. the Law Member base his answer, Sir, that the ordinary prisoners, that is, the rural population from whom these prisoners are drawn, are not accustomed to butter-milk ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Does my friend refer to those persons who are not Civil Disobedience prisoners ? "

Mr. A. RANGANATHA MUDALIYAR:—" Yes."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" From my general knowledge of the country."

Mr. A. RANGANATHA MUDALIYAR:—" Limited to what districts, Sir ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Mostly to Malabar, but generally to other districts also."

Mr. A. RANGANATHA MUDALIYAR:—" May I remind the hon. Member that he is Executive Councillor not merely for Malabar but for the whole Presidency ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I am really so."

B. POCKER SAHIB Bahadur:—" May I ask whether he is aware that butter-milk is an important item of food for the poorest man in Malabar ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I deny it."

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Mr. SAMI VENKATACHALAM CHETTI:—"Am I to take it that in 1930 when the civil disobedience prisoners were released the enquiry which was entered into by the Inspector-General of Prisons was suspended?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"In fact, the enquiry was with reference to the result of the use of buttermilk in substitution of a portion of dhal. As the civil disobedience prisoners who were in jail in 1930 were released there was no use to continue the enquiry."

Mr. T. S. RAMASWAMI AYYAR:—"May I know if the hon. Member does not think that whether a person is a 'C' class prisoner or not, he is still a human being, and when he is accustomed to a certain kind of food, he is entitled to have it, if the jail rules allow it?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I regard any man whether inside or outside the jail as a human being, but there are restrictions in jails."

Khan Bahadur P. KHALIF-UL-LAH SAHIB Bahadur:—"Are we to take it that Government will allow buttermilk in the case of all persons who are accustomed to take buttermilk?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I shall consider my friend's suggestion."

Mr. YAKUB HASAN:—"The hon. the Law Member said that the enquiry was put a stop to, or rather the experiment, when the civil disobedience prisoners were released. Will the hon. Member cause the same experiment to be taken up again now?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I shall consider my friend's suggestion."

Mr. T. S. RAMASWAMI AYYAR:—"May I know how long that experiment will continue on human beings, about the utility of buttermilk as an item of food?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"We have not yet begun the experiment. I only promised to my friend, Mr. Yakub Hasan, that I would consider his suggestion."

Mr. T. S. RAMASWAMI AYYAR:—"I thought an experiment was tried. The hon. Member said that an experiment was tried. It is now more than a year, and has not any result been obtained?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I said at least four times this morning that the experiment was put a stop to when all the civil disobedience prisoners who were then in jail were released."

Mr. SAMI VENKATACHALAM CHETTI:—"How far did it progress before it was suspended?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It was not necessary for the Government to see how far it progressed, because before the termination of the experiment, all these civil disobedience prisoners were released."

Mr. T. S. RAMASWAMI AYYAR:—"Could not that experiment be conducted on other than civil disobedience prisoners?"

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The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"No, Sir."

Mr. ABDUL HAMEED KHAN:—"Have the Government instituted any enquiry, or conducted some experiment? Do not the Government think it necessary to find out what the results of that experiment are?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"If it becomes necessary, certainly the Government will find out."

Mr. M. S. SRESHTA:—"Is it necessary to experiment at all? Is it not well-known that buttermilk is a very desirable article of diet? Is it not desirable that the use of buttermilk should be encouraged even in jails?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"As I said, the ordinary 'C' class prisoner who is in jail is not accustomed to it. But it may be, as I said more than once, that some of the civil disobedience prisoners are accustomed to it."

Mosquito nuisance in and around the Vellore Central Jail.

* 403 *Q.*—Mr. M. A. MANIKKAVELU NAYAKAR: Will the hon. the Law Member be pleased to state—

(*a*) whether the mosquito nuisance is very great in and around the Vellore Central Jail; and

(*b*) whether any steps are proposed to be taken to stamp out the mosquitoes?

A.—(*a*) & (*b*) The Government have no information but will enquire.

Local Self-Government

Bill to amend the Madras City Municipal Act, 1919.

* 404 *Q.*—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the Bill to amend the City Municipal Act of 1919 is ready for introduction in the Council at its next meeting; and

(*b*) what the reasons are for the delay in introducing the same?

A.—(*a*) No.

(*b*) Attention is invited to the answer to clause (*a*) of question No. 275.

Mr. ABDUL HAMEED KHAN:—"May I know whether it is not a fact that the Government appointed a committee in order to draft a Bill and that a Bill was framed by the committee? The Government say in their answer here that the Bill is not ready."

The hon. the RAJA OF BOBBILI:—"The Bill is not quite ready. The Bill will be sent to the Corporation of Madras and other public bodies for opinion."

Mr. SAMI VENKATACHALAM CHETTI:—"May I know how far it is ready?"

The hon. the RAJA OF BOBBILI:—"I am sorry I have not yet looked into the Bill fully."

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Mr. V. T. ARASU:—"May I know when that committee was constituted and when it submitted its report to the Government?"

The hon. the RAJA OF BOBBILI:—"1929."

Levy of octroi duties by local bodies on all merchandise imports.

* 405 *Q*.—Mr. K. S. SIVASUBRAHMANYA AYYAR: Will the hon. the Minister for Local Self-Government be pleased to state whether the Government have under consideration any proposal to empower local bodies to levy octroi duties on all merchandise imports into their respective jurisdiction.

A.—The answer is in the negative.

Levy of an excise surtax by the District Board, Chingleput.

* 406 *Q*.—Mr. K. S. SIVASUBRAHMANYA AYYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(*a*) whether the District Board of Chingleput has solicited the permission of the Government to levy an excise surtax to improve their finances; and

(*b*) whether the hon. the Minister proposes to allow it and the other local boards a similar privilege?

A.—(*a*) In April last the President, District Board, Chingleput, raised the question of the transfer to district boards of a share of the excise revenue collected in the districts.

(*b*) The Government have declined to sanction the proposal.

[*Note*.—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—STATEMENT BY DIWAN BAHADUR B. MUNISWAMI NAYUDU *RE* HIS RESIGNATION OF OFFICE OF CHIEF MINISTER.

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Mr. President, Sir, 11
in fairness to myself and to those who have stood by me, I should a.
like with your permission, to make a statement regarding the circumstances that have led to my resignation of office as Chief Minister.

"I may say, Sir, at the very outset that ever since the formation of the ministry, there has been a small section in the party which has been up against me. My chief offence in the estimation of these people was that I did not provide a place in the ministry for a zamindar. I had no prejudice against any one, but in choosing my colleagues I had to be guided by the feeling in the party as a whole and considerations of efficiency and past service and experience of the various aspirants for office. The choice that I eventually made was not agreeable to the hon. the Raja of Bobbili and some of his friends and consequently they began giving trouble in the party.

"One of the ways in which this purpose was sought to be achieved was by the pursuit of a campaign of misrepresentation as often as opportunities offered, the main ground of attack being that inasmuch as I had always pleaded for the membership of the party being thrown open to all communities, I was *not to be looked upon as an* orthodox Justicite.

"Side by side with propaganda of this sort there was in evidence a hyper-critical attitude with reference to certain administrative actions I had to take as Chief Minister. Some of the orders I had to pass in the Local Self-Government Department especially were not to the liking of this group. If I were to please them, I would have had to misuse and abuse the powers entrusted to me as Minister, and that was a thing to which I could not submit. True I was the Leader of the party, but my conception of party loyalty was not such as would countenance the perpetration of obvious acts of injustice to others for the sake of advancing some little petty personal interest of a particular party man here or there. 'Justice and fair-play to all' has been my and my party's motto all along.

"On the top of these differences in regard to administrative matters came the disappointment and bitterness due to my attitude in regard to the Estates Land Act Amendment Bill. I have been always a supporter of the tenants' cause and the party too had pledged itself to the protection of all just interests of the tenantry from its very inception. I had therefore to support amendments which had the effect of improving the tenants' condition, while the hon. the Raja of Bobbili and other landlord representatives were keen on protecting their interests. This was the last straw, so to say, on the camel's back, for as soon as it became clear that my sympathies were on the side of the ryots, I was dubbed a great sinner, not fit any longer to be the Leader of the party and the head of the Ministry.

"Within a week after the first sittings of the Select Committee on the Estates Land Act (Amendment Bill), the hon. the Raja Sahib and his partisans moved a vote of no confidence against me in the Party South Indian Liberal Federation Executive Committee Meeting held on 31st July 1932. But the move failed and at its meeting held on 16th August 1932, the party executive passed a vote of confidence in me and the other ministers.

"Attempts like this were unsuccessful, however, as myself and my colleagues then in the ministry stood together. But unfortunately, one of my colleagues, the hon. Mr. P. T. Rajan, permitted himself, some time later, to be led away from his allegiance to me. It would seem that he was promised to be made the Leader of the party if he would join hands with the forces opposed to me, and to this bait he fell a victim. I did try my best, in the interests of the party, to dissuade him from his disloyal step, but without success. Still I hoped that the clouds would pass and the sky become clear ere long.

"But as the Council Session approached, the situation became only the more tense. I could see all round strenuous efforts being made to tamper with the loyalty of the partymen in the Council and cajole them into the hostile camp, all sorts of influences being utilized. It became soon apparent that the move was to bring in a No-Confidence motion against me in the Council Party Meeting with a view to force

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me to resign office. The hon. the Raja of Bobbili had already secured the help of the hon. Mr. Rajan and his followers to vote against me, and on or about the 1st instant he succeeded in inducing the hon. Diwan Bahadur S. Kumaraswami Reddiyar who up to then was with me, also to join him to work against me. The result was a great demoralization in the Party rank and file.

"Notices had been issued of a Meeting of the Council Party to be held on the 3rd evening to consider a motion of No-Confidence against me, and on the afternoon of that day both of my colleagues resigned, avowedly for the purpose of working and voting against me at that evening's meeting after all mischief has been done. I was prepared to challenge a verdict, however, but just before the meeting the hon. Mr. Rajan came and appealed to me that I should also resign in the interests of the Party and leave the choice of the next Ministry in the hands of His Excellency the Governor. I replied that, in view of all that had transpired, I had made up my mind also to resign, and would announce the resignation if the appeal were made to me at the Party meeting. Accordingly an appeal was made at the meeting that I should resign, and I responded to it. While doing so I made it clear that my co-operation will depend upon how far it will be made possible for me to co-operate and also on the personnel of the new Ministry. (Voices : 'No, No' 'Yes, Yes'.) I resigned the office the more readily, since in view of the demoralization that had been so strikingly in evidence all round and in view of the open hostility of the Raja Sahib and the intrigues of my colleagues, I could not hope to serve usefully either the Party or the administration by continuing in office. I have regretfully to observe in this connexion that in violation of all constitutional proprieties a considerable measure of encouragement to the caucus opposed to me, came from the hon. the Home Member who was in their confidence. (Cries of 'Oh, Oh', 'No, No' and 'Yes, Yes'.)

"One word more I may be permitted to say in this connexion, Sir, and that is that I did all that I could while in office, to maintain integrity of administration and to keep the solidarity of the Party unimpaired and to see that it did not wreck itself on the rock of personal antagonisms and spite. My attempts to give fresh and liberal orientation to my Party has been impeded by a section of the Party. I cannot any longer, consistently with my self-respect, work in co-operation with an organization which is bossed ever by people who have been carrying on a campaign of personal vendetta against me, nor with a Ministry of whom the Chief has view-points conflicting with peoples' interests and of my erstwhile colleagues whose loyalty to the office is more valuable than the loyalty to their chief."

The hon. the RAJA OF BOBBILI :—"With your permission, Sir, I wish to submit a reply in the course of the day."

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The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—"May I offer a word of explanation, Sir ?"

Dr. P. SUBBARAYAN :—"May I point out that under rule 10 . . ."

* The hon. the PRESIDENT :—"It has been already ruled by my predecessor in office that only one Member of Government can make a counter-statement."

Dr. P. SUBBARAYAN :—"And it must be made immediately."

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—"Well, I must put my case through him."

Dr. P. SUBBARAYAN :—"It must be made immediately."

* The hon. the PRESIDENT :—"I do not think it is quite correct to say that it must be made immediately."

NON-OFFICIAL BUSINESS.

III.—THE MADRAS NAMBUDRI BILL.

* The hon. the PRESIDENT :—"We shall now proceed with the consideration of the Nambudri Bill."

Mr. P. MADHUSOODHANAN THANGAL :—"I move—

'*that the Bill, as amended, be passed into law.*'

"In moving that the Nambudri Bill be passed into law I must express my profound thankfulness to the hon. Members of this House for the great interest that they evinced in the Nambudri community of Malabar and for the help that was given to me in pushing through the Bill. I must particularly thank the hon. the Law Member, the Government Member in charge of the Bill and Mr. K. P. Raman Menon who presided over the meetings of the Select Committee for the very valuable guidance that they gave. I must also thank Mr. Appu Nair for all that he did in connexion with this Bill. Finally let me pray that this measure will prove to be of great usefulness to my community, the Nambudri community."

Diwan Bahadur B. MUNISWAMI NAYUDU :—"I second it."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—"I do not wish to make a long speech on this Bill at the time of the third reading to-day, particularly because the House has a very heavy agenda before it. I may, however, say this that I thank my friend, Mr. Madhusudanan Tangal, for what he said regarding my sympathy and help. Personally I think, Sir, that this Bill which, I hope, will be placed in the Statute Book as an Act before, long, will be of extreme benefit to the community which is so very ably and well represented by my friend, Mr. Madhusudanan Tangal. I am glad to say, if I may make a personal statement, that I feel happy that this Bill will be passed and will become law during the tenure of my office as Law Member. I may also make another statement supporting the statement made by my Friend, Mr. Madhusudanan Tangal. My friend, Mr. Madhusudanan Tangal, referred to the help given by Mr. Appu Nair in the drafting of the

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several provisions of the Bill. I am very glad to support that statement. All those gentlemen who were in the Select Committee know the pains and the great interest that Mr. Appu Nair took in drafting and in the case of some sections redrafting the provisions contained in the original Bill. But for the help rendered by him in the Select Committee and afterwards when the Bills emerged from the Select Committee, the Bills would not have assumed the shape which they have now assumed. I am very glad to say both on behalf of the Select Committee and the House that their thanks are due to Mr. Appu Nair for the attention and care which he bestowed upon the provisions of both the Bills."

The motion was put and carried and the Bill, as amended, was passed into law.

IV.—THE MADRAS MARUMAKKATTAYAM BILL.

The Marumakkattayam Bill was next taken up for consideration.

Clause 3.

* Mr. P. Appu Nayar :—" I move—

' *In clause* 3 (*c*) for *the words* " *seniormost member* " substitute *the words* " *oldest member* ". '

" I move this amendment and it is purely a verbal one. It is intended to bring the language into line with the previous portion of the clause."

Mr. R. M. Palat :—" I second it."

The amendment was put and carried.

Clause 14.

* Mr. P. Appu Nayar :—" I move—

' *that in clause* 14 for *the second proviso*, substitute *the following:*—

" *Provided further that nothing contained in this section shall apply to a female member of any of the tarwads included in the schedule or her children where such female member resides in her own tarwad house and not with her husband* ".'

" Sir, I may say that my hon. Friend Mr. Ramalingam Chettiyar at whose instance the proviso was put in has no objection to its being recast as above."

Rao Bahadur T. A. Ramalingam Chettiyar :—" I second it."

The amendment was put and carried.

Clause 41.

* Mr. A. B. Shetty :—" I move—

' *that for sub-clause* (*c*) *of clause* 41 *the following proviso may be substituted:*—

" *Provided that in determining the share of the tavazhi referred to in clause* (*a*) *or of the member referred to in clause* (*b*), *the share of the female ancestress, if any, shall*

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be taken to be equivalent to what she would have taken if a division per capita *were made among all the members of the tarwad then living* ". '

" This is only a verbal amendment, Sir. The amendment moved by me on Thursday is liable to be misunderstood. This amendment correctly conveys the purpose I had in view."

Mr. P. Appu Nayar :—" I second it."

The amendment was put and carried.

Clause 49.

45 Mr. P. Appu Nayar :—" Sir, I move—

1\. '*that for clause* 49, *the following clause be substituted* :—

" 49. *Where a person bequeaths or makes a gift of any property to, or purchases any property in the name of, his wife alone or his wife and one or more of his children by such wife together, such property shall, unless a contrary intention appears from the will or deed of gift or purchase or from the conduct of the parties, be taken as tavazhi property by the wife, her sons and daughters by such person and the lineal descendants of such daughters in the female line* :

" *Provided that in the event of a partition of the property taking place under Chapter VI, the property shall be divided on the stirpital principle, the wife being entitled to a share equal to that of a son or daughter*".' "

Mr. V. P. Narayanan Nambiyar :—" I second it."

The amendment was put and carried.

Schedule.

* Mr. P. Appu Nayar :—" Sir, I move—

'*that in the heading of the schedule, after the word* " *See* ", *the words and figures* " *the second proviso to section* 14 *and* " *be inserted* '.

" The reason for this amendment is this. This schedule is referred to not only in sub-section (1) of section 43 but also in the proviso to section 14. It is only a formal amendment."

Mr. V. P. Narayanan Nambiyar :—" I second it."

The amendment was put and carried.

* Mr. R. M. Palat :—" Sir, I move—

'*that the Bill, as amended, be passed into law.*'

" I do not wish to take up the time of the House by going into details. The whole Bill has been before the House and the House has carefully considered it clause by clause. But, I wish to thank the hon. the Law Member for the great help which he has rendered for the passing of this much needed reform. But for his assistance and lead, this Bill could never have got to its present stage. I thank him for the attitude of the Government. I am not thanking

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the other Malayali Members of this Council as they are equally with myself concerned in the progress of the West Coast and aware of its needs, but I must thank the Non-Malayali Members for the interest and patience which they have bestowed on this matter. Two great measures of social reform have been endorsed by this Council, one, forbidding polygamy and the other, allowing inter-caste marriages for Marumakkattayam women. On the question of Stanis, I am glad to say that a happy compromise was arrived at at the last moment and we were able to exempt certain families from the immediate operation of the partition clauses of the Bill."

* Mr. V. P. NARAYANAN NAMBIYAR :—" Mr. President, I second the motion. Sir, I must gratefully acknowledge that but for the hearty co-operation of every section of the House, the Bill could not so easily and smoothly have been pushed through. And let me on my own behalf, and on behalf of the constituency that I have the honour to represent here, sincerely thank all hon. Members for the cordial support that they gave to the measure, at its every stage.

" Whatever might have been the ancient virtues of the Marumakkattayam and Aliyasantana systems of law, it has become abundantly clear that persons governed by the systems are now labouring under heart-rending difficulties. The systems have fallen into great disfavour with the people concerned, and a change has long been overdue. Legislation was attempted in previous Councils, but, unfortunately, no results were achieved. The Bill that is now being passed into law seeks to remedy some of the existing great evils. How far we have succeeded in our object, time alone can say. Any way, an honest attempt on modest lines has been made. I am aware that the Bill does not go to the extent to which some of us would wish it had gone. By way of abundant caution, only tavazhi partition has been provided for ; but I am confident that sooner or later, and perhaps sooner than later, individual partition will become the law.

" Mr. President, Malabar Members seriously differed from one another only on two points connected with the Bill. One was on the question of exclusion of certain aristocratic families. But happily an agreement was arrived at between the representatives of the karnavans and the representatives of the junior members of those aristocratic families, and the compromise was gladly accepted and embodied in the Bill. The other question on which there was a conflict related to conjugal unions ' permitted by social usage.' There some of us had to stand up against the views of persons for whom we have great respect. But, we did so, neither in a lighthearted spirit nor for cheap glory. We honestly felt that the enlightened spirit of the times was against the clause as it originally stood. Even veteran leaders like Rao Sahib P. A. Krishna Menon are of our view, and I feel sure that only good results will flow out of the change made by the Legislative Council.

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"Sir, though the Bill introduced by me was the basis of the Bill framed by the Select Committee, I must make it clear that the credit for the Bill that is now being passed into law has in a very large measure to be given to the hon. the Law Member, the Government Member in charge of the measure, and my hon. Friend Mr. K. P. Raman Menon, Chairman of the Select Committee. These two gentlemen are the self-same doughty champions who had much to do with the Malabar Tenancy Act, and I am sure that Malabar will never forget their vast and varied services. The Special Member, Mr. Appu Nayar, has also been of considerable help, and I thank him from the botom of my heart. May I also say that we are grateful to His Excellency the Governor for the consideration that His Excellency showed in allotting non-official days. Finally let me lift up my hands to Divine Providence and pray that the Marumakkattayam Bill when it is placed on the Statute Book and comes to be worked, may bring perfect peace, happiness and prosperity to Malabar and South Kanara."

* Mr. V. T. Arasu :—"Sir, I have very great pleasure in supporting the motion before the House and, in doing so, I wish to pay my humble tribute to Mr. Raman Menon, who more than the hon. Members in charge of the Bills did yeoman service in piloting this Bill. Sir, you would know that, when the Bill was being discussed clause by clause, it was Mr. Raman Menon, who expressed the view one way or the other in regard to the amendments that came up for discussion before this House. I believe but for Mr. Raman Menon it would not have been possible for this House to have so expeditiously disposed of this measure as we actually did.

"In supporting this motion I cannot help saying one or two words in regard to the effect of this legislation. This legislation is not such a simple one as is supposed to be. To a certain extent and in certain respects, it is also expropriatory in its nature. For, from clause 30 of the Bill you will note that the non-Nambudri wife of the Nambudri is placed in a more advantageous position than the Nambudri wife, and it must also be remembered that when these Nambudris contracted sambandam with Nayar women they had not the slightest idea that the sambandams will be made valid marriages in law and that the Nayar women would be given the right to claim partition and to claim a share of the property of the Nambudris. Now, by a stroke of the pen as it were we have legislated that these Nayar women will be entitled to 50 per cent of the Nambudri's estate. The result of it would be, I am fraid, that in course of time about 50 per cent of the properties owned by the Nambudris in Malabar would be taken away by Nayars in Malabar. That is going to be the effect. From that point of view I am afraid that this measure would do very great injustice to the Nambudris. Nevertheless, I welcome this measure for it has revolutionized social customs, and removed some of those pernicious customs in Malabar, and

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I hope that Malabar would at least now stand on a level of equality and move on terms of equality with the other districts of this Presidency. Once again, I congratulate the hon. Members who were in charge of the Bill as also Mr. Raman Menon for the tactful way in which they had this measure passed through this House."

* Mr. A. B. SHETTY :—" Mr. President, in supporting this motion, I wish to make a few observations in regard to some of the important changes that have been effected in this Bill during its passage in the Council. One of the important changes made is the removal of restrictions on the freedom of marriage. The retention of the words ' conjugal union permitted by social usage ' in clause 4 would have led to several difficulties. It would have meant the crystallization of the present customs and usages and it would have prevented reform and progress in the matter of inter-marriages between castes and sub-castes. It would have prevented the fusion of castes and sub-castes in Malabar. Several eminent men of Malabar have drawn attention to this matter in the opinions sent by them to the Government. Sir Sankaran Nayar is one of those who have pointed out how very undesirable it is to perpetuate the present customs and usages in the matter of marrige. The amendment made in clause 4 may give a shock particularly to the orthodox section in Malabar. But, I believe, Sir, that no romantic marriages will take place as a result of this change effected in the Bill. The conservatism of human nature may be expected to assert itself and prevent any hasty reform in this direction.

" The next most important change made in the Bill so far as Aliyasantana people are concerned is the deletion of sub-clause (2) of clause 41 conferring life-estate on males. This clause was put in the Bill by the Select Committee because it was represented to the Committee by myself that the existing practice in South Kanara in case of voluntary partition was to allow only a life interest to males and popular opinion among the Bunts in South Kanara was in favour of continuing this practice.

" Some of the responsible members of the committee well acquainted with Aliyasantana law and custom pointed out to me the injustice and unreasonableness of placing the males in a position inferior to females by conferring on them only life-estates. The difficulties which would arise at the time of the reversion of the life-estate and the neglect which life-estates would suffer were also pointed out as strong arguments against creating life-estates. After I went back to South Kanara I had a discussion on this matter with several of the leading gentlemen of the community and I found that though the general sense of the community was against giving absolute shares to males, a section of intelligent opinion was coming round in favour of this view. A number of memorials signed by some of the leading people in different parts of the districts who are in

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favour of giving absolute shares to males have been put in my hands. I found that the Jains following the Aliyasantana system of law in South Kanara were also in favour of giving absolute shares to males. It was on account of these considerations that I did not oppose the amendment moved by my friend, Mr. Bhatt, for the deletion of clause 41 (2). I am afraid that the giving of absolute shares to males may seem too drastic a change to a fairly large section of people in South Kanara and I am told that a movement has begun to carry on agitation about this matter and to bring a deputation to His Excellency the Governor.

"Another important change which has been made in the Bill is in the section which provides for the registration of tarwad properties as impartible. The amendment which has been moved by me and accepted by the House will be welcomed by all cautious reformers. The clause, as it stands now, will give a right to two-thirds of the whole family to get the tarwad registered as impartible at any time and also to get it cancelled at a later stage, if necessary. The section as it stood in the Bill before it was amended would have been of little use because it would have been practically impossible to get two-thirds of every branch to consent to join in any petition asking for the registration of tarwads as impartible. If the section had been left as it was it would have practically remained a dead letter. Now, conservative minded people who are opposed to partition can very well take advantage of the provision and get their tarwads registered as impartible. Tavazhis who are in a minority may suffer but there is no help for it. We must have either the tyranny of the majority or the tyranny of the minority. The Bill now leaves the matter in the hands of the majority—a two-thirds majority of the family to decide whether they should divide or whether they should remain without a division. It is, I think, quite a democratic way of doing things to allow the will of the majority to prevail.

"Sir, the chapter on partition is really the most important chapter in the Bill. It is the one chapter that will seriously affect the tarwads in Malabar and South Kanara. Regarding the advantages and evils of partition much may be said on either side. People who are afraid of partition say that the Bill will fritter away our lands and it will lead to a hasty course of land alienation, while people on the other side will say that this is the best way of conserving the wealth of the community by creating real interest in property. The immediate effect of this Bill may be the disruption of big and ancient families, the splitting up of big properties and it may lead to considerable economic dislocation. But people who are in favour of the change expect that partition will lead to peace and harmony in the family house; it will give a stimulus to industry; it will promote a spirit of enterprise among the people, and it will give an incentive to frugality and lead to the improvement of the tarwad properties which have hitherto been neglected in

many places. It is expected that in the long run the results would be beneficial. The right to enforce legal partition does not necessarily imply compulsory partition. It will help to keep the karnavans on their good behaviour and it will help people to live amicably in a joint family without suffering in any way. The karnavans and members of their branch, persons with vested interests who stand to lose as a result of the passing of this Bill and conservative minded people who cannot look sufficiently ahead may keep on fighting against this Bill. I believe, Sir, that no measure of reform can be carried without meeting with opposition. If we wait till we get an unanimity of opinion in a matter like this, no forward movement is at all possible. The Bill is not at all the final word on the subject. It can certainly be amended if we find any difficulties in the actual working of it. If public feeling makes itself clear and definite as regards any changes that are required in the Bill, I think there will be no difficulty in coming forward with an amending Bill after a short time."

B. Pocker Sahib Bahadur:—"Mr. President, Sir, I heartily congratulate the hon. the Movers of the Bill as well as the hon. the Law Member, and also particularly the Chairman of the Select Committee for having pushed through this Bill so easily as this.

"Sir, there is one matter on which I would like to say a word in order to avoid any misunderstanding in my own community before I say anything as to the Bill itself. As I mentioned, when leave was granted to introduce this Bill, it was rather very regrettable that neither of the authors of the Bill thought it fit to include the Mappilla community that follows the Marumakkattayam law within the scope of this Bill. It looks as though when two persons are being drowned, one who is very anxious to help them comes there and rescues only one of them, that being his own kith and kin, leaving the other man to his fate. I dare say that it is not in that spirit that the movers of the Bills have brought them before this Council; but I do think that they ought to have had a wider vision and taken into consideration the fact that there are such a large number of Mappilla families that are governed by the very same law and suffering from the very evils from which the Hindus are suffering, if they are evils at all. The question has been asked: Why did not you make any attempt to bring in the Mappillas also within the scope of this Bill? I have to make this statement in order to avoid any misunderstanding in my own community. My answer is that as the Bill was brought forward it was applicable only to the Hindus, and when it was published, the people understood it to be applicable only to the Hindus; and the opinions that were elicited were almost wholly from the Hindus; and so it was not possible to elicit the opinion of the Mappillas. Moreover, there was a technical difficulty also in respect of the sanction. It would not have been possible to introduce any amendment to make the Bill applicable to the

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Mappillas without further sanction of the Government of India. And not only that; it would have created great complications in the Bill if such an amendment were introduced at a later stage. Of course, if the matter had been thought of beforehand, there would have been every scope for including the Mappillas also in this Bill. However, I may say that there is a considerable section of the Mappilla community who want certain provisions of this Bill as regards partition to be applicable to them. I may just mention also that it was not with any bad motive that the Mappillas were excluded; it must have been an oversight; I only say that the hon. Movers ought to have been a little more cautious, and taken a little more liberal views in a measure of this kind.

"Now, coming to the Bill itself, I say that this measure was engaging the attention of the people of Malabar for many decades; and if I am not mistaken, the very first Bill of this sort was brought before this Council by the hon. Law Member bimself in 1910, and my own view is that this very moderate measure as it has been passed now could have been and ought to have been passed two decades ago, rather than now. And even though the hon. the Law Member did take all the steps necessary to make it into law even in 1910, I can only say that he did not succeed on that occasion because of the perverse opposition by the Government; and as you all know, it is only his mild nature that was responsible for not pushing it through then. If he had not been so mild, he could have got over the perverse opposition of the Government and he could have got through even at that time, at any rate, a measure like this which goes only to a moderate extent. It is really gratifying to us and to him to see that he was after all aiding us to carry it through, not in opposition to Government, but as part and parcel of the people and carried the object with which he started about the year 1910. Now, Sir, I just want to make one or two observations about some of the provisions of the Bill. One matter, I should like to refer to is the amendment that has been carried by this House as regards inter-communal marriages."

* The hon. the PRESIDENT:—"I do not think that the hon. Member will be justified in recalling the attention of the House to any amendments that have been spoken upon and decided. The hon. Member had better not refer to such amendments or to such controversial subjects."

B. POCKER SAHIB Bahadur:—"Mr. President, I am not in any way recalling the amendments carried, but I only refer to the particular amendment in order to point out the shape the Bill has taken at present. The Bill as was originally introduced, so far as the marriage chapter was concerned, was intended to legalize such marriages as are prevalent in the community and as are recognized by custom but in the final shape it has taken it has not only gone far beyond, but has given validity to marriages which have never taken place and I am sure, will not take place for decades and for

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quarter or half a century more. It has been said that such a provision is only permissive and so is harmless. Well, I do not think that is a sufficient answer to that. I want to point out another defect also in the Bill as has been passed at present. I refer to the provision regarding the marriage of minors. As I had said in my dissenting minute, even infants of four and five years can marry each other without the consent of their guardians, according to this Bill which is to become law in a few minutes.

"I say that neither the Select Committee nor this House was justified in passing this clause which gives validity to such a measure as that. No doubt, I myself gave notice of some amendments to that clause, but when I found that my hon. Hindu Colleagues were not at one with me with reference to those amendments, I thought I was not justified in pressing my amendments. At the same time, I expected them to get rid of this defect in the Bill by bringing in some other amendments. Nothing has been done and the Bill stands as it emerged from the Select Committee. This provision of validating infant marriages was not found in the original Bill, but was introduced only in the Select Committee. Nor is it found in the Cochin Regulations from which the present Bill is copied. The Travancore Regulation contains certain provisions of a similar nature to these, but in a modified form to which no exception could be taken. I do say that this aspect of the Bill is very regrettable as it is. 12-16 p.m.

"Then, the principle of polygamy was sought to be introduced in this Bill particularly at the instance of one of my Muslim Colleagues, though the Bill as it emerged from the Select Committee did provide for monogamy."

Mr. Basheer Ahmed Sayeed:—"On a point of personal explanation. I never said that the principle of polygamy should be introduced in the Bill. What I said was, let us not be unwise by introducing monogamy by means of this legislation. I wish that I should be clearly understood."

B. Pocker Sahib Bahadur:—"I did not misunderstand my friend, Mr. Basheer Ahmed.

"What the Bill intended to do was to give legality to certain usages which were in practice and it has rightly done so. What I meant to say was, that the Select Committee was not right in introducing such an amendment without consulting the opinion of the people with reference to the action it was taking. That is all what I said.

"I do not want to take up further the time of the House by making any more observations. I once again wish to congratulate the Movers of the Bill, the Government and also the Chairman of the Select Committee. I must say that great credit is due to the Expert Member for the pains he took in bringing the Bill to its present shape. I had to sit along with the Expert Member more than once and I personally know what amount of pains he took in giving the Bill the shape which it at present possesses."

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* Mr. K. P. Raman Menon:—" I wish to offer a few remarks before this legislation is placed on the Statute Book. The main features from which the Malabar law differs from other laws which are administered in this province are these. Though in Malabar the validity of marriages of people who follow the Marumakkattayam law is recognized among themselves, the courts of law will not enforce any rights arising from such marriages. That is one aspect.

" The second aspect is the position of the tarwad properties in Malabar.

" The third is with reference to the devolution of these properties, whether owned by a female, or by a male.

" Excepting in the case of females, no child can inherit a person who acquires the property.

" These are the three points that I wish to deal with now. So far as Malabar is concerned, the usages prevailing there differ from the usages prevailing in this side of the province. Of course, the usages of the country are far in advance in one place than in another, I mean to say with reference to marriages. The first attempt was made on the Judge-made law by the efforts of Sir Sankaran Nayar, who first brought forward a piece of reform. He wanted first of all to take up the marriage law of Malabar and put it on a stable basis. Then a Committee was appointed headed by no less a person than the late Sir T. Muthuswami Ayyar to go into this question, and as a result of the recommendations of that Committee the Civil Marriage Act of 1896 was passed. By that Act, marriages of a certain type were recognized as valid marriages. Unfortunately, the public opinion against that measure was very strong. Marriages that were registered under the provisions of that Act were alone regarded as valid and those marriages that were unregistered were considered as invalid. This led to very few people accepting the benefits conferred by that Act. In the Bill that we are now going to pass, the provision with reference to registration has been totally dropped.

" The next point upon which people wanted relief was with reference to the tarwad properties. The tarwad properties in Malabar have so outgrown in numbers, and the interests of the tarwad as a whole and those of the *karnavan* have become so very diverse that it has become absolutely impossible for anybody to carry on the business of the tarwad, whether it be by the karnavan or the anandravan. The karnavan was always anxious as far as possible to take out from the tarwad properties enough to maintain himself and his wife and children, and did not care to improve the tarwad properties or accumulate properties for the benefit of the other members of the tarwad. The properties naturally became deteriorated and properties which were originally actually cultivated by the big tarwads of the district were let out to people who had no capital to work out the tarwad. The result was, that the income of the

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tarwad properties became lesser day by day and the tenants of Malabar suffered also very much. To reform this state of things, we had recourse to another piece of legislation to the details of which I need not refer now, nor would they be relevant.

" The third point is, with reference to the difficulty that we had in regard to properties acquired by individuals. There is a Full Bench ruling which is reported in 32 Mad., according to which a man could not leave his own property to his wife and children unless he chose to execute a will. Of course, it is well known that Indians are very much averse to executing wills, because it is generally thought that the executing of a will is considered as the precursor of death. So that the position came to this: very often people who acquired large property and really wanted to leave their property to their wife and children very often did not do so as they omitted to execute wills. The main provisions of this Bill are to remedy the evils and the difficulties that we are labouring under the old system of law. Marriage is now recognized as a legal tie in Malabar and conjugal union between man and woman has been put on a stable basis and legalized.

" In this connexion, I may be permitted to offer a few remarks by way of reply to what my hon Friend, Mr. Arasu, said. My Friend, Mr. Arasu, in his remarks stated that eminent reformers like Sir Sankaran Nayar and others were of opinion that social usages and customs could be interfered with. I may mention it for your information that the particular section in the Bill is word for word taken from Sir Sankaran Nayar's Act of 1896. It is his opinion that has carried weight with us, and on that I base my opposition to the change proposed by Mr. Arasu. I welcome that change personally, though it may give a shock to the orthodox section of my people. By making properties partible, people belongiug to Marumakkattayam and Aliyasantana law will stand to benefit. Properties which have grown in number and which remain uncared for, will hereafter be looked after very carefully, because persons who get them will get them as their own. While such inheritance will conduce to individual exertion, it will also broaden the outlook of persons concerned, so that the partition of these tarwad properties which are alleged to be standing in their way of progress, will push them forward in their struggle for existence. The apprehension that possibly estates might be broken up and frittered away is absolutely groundless. So far as prosperity is concerned, it does not depend upon this system of law or that system of law. Prosperity is a fickle-minded Goddess. Prosperity depends upon many other things. We find, as a matter of fact, vast extents of properties are frittered away and dissipated where the Hindu law prevails and where the inheritance comes from father to son. On the other hand, although under the Marumakkattayam law properties are indivisible, some families which were quite prosperous some two hundred years ago, are nowhere now and the members of such families are starving.

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It again exemplifies the old proverb that the Goddess of Prosperity is a fickle-minded Goddess. So such an apprehension is absolutely groundless.

"Then, again, we have taken care to see that certain ancient families are not destroyed on account of this Bill by making the junior members of the family come to some understanding with the older members of the family (for which the junior members are to be congratulated) by which their interests are safeguarded.

"These are the chief features of the Marumakkattayam law and I hope that Malabar people, who have been following this Marumakkattayam law, will welcome these changes and they will be put on an equal footing with other people.

"Mr. Pocker has been disappointed on one or two points. He complains that the Mappillas have been excluded from the operation of this Bill. It is, no doubt, regrettable, but the remedy is in his own hands and he can introduce a small Bill by which he can say that the provisions of this Act will apply to the Mappillas [2-30 p.m.] following the Marumakkattayam law. It is very easy for Mr. Pocker especially in view of the fact that the Council has already approved the principle of the Marumakkattayam Bill to carry such a measure through the Council. One other point with regard to which Mr. Pocker was disappointed was, what I may call the bogey of infant marriages. I may say at once that infant marriages are absolutely unknown in the Nayar community which forms the main stock of the Marumakkattayam people. I believe, it is equally unknown among the Tiyya community which forms another main stock of the Marumakkattayam people. Even supposing that the law recognized such marriages, in actual practice such marriages do not take place now and will not take place hereafter. Then, again, Mr. Pocker forgets that there is the Sarda Act which will pounce upon anyone who breaks its provisions. For these reasons, the difficulty which Mr. Pocker anticipates does not really exist at all.

"In conclusion, with your permission, Mr. President, I should like to refer to the very valuable services rendered to Malabar by the hon. Sir M. Krishnan Nayar. Nobody in Malabar can afford to forget, so long as Malabar exists, the great services he rendered to the country by his able advocacy of the cause of the tenants of Malabar. They are still fresh in our minds. His great contribution to this social reform in the Marumakkattayam and Nambudri communities cannot be praised in adequate terms. So long as the people of Malabar have a separate existence, I can say without fear of contradiction that Sir M. Krishnan Nayar's name will be honoured. ('Hear, hear.') I may also thank the several Gentlemen who have been good enough to compliment me in high terms of praise for the humble services I was able to render in the cause of this reform. I have always been for the past twenty years trying to bring about, if possible, a change in public opinion so that the Marumakkattayam law, as it prevailed in Malabar, might be altered. I remember very

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well, when I first agitated over this matter in 1910 or thereabouts, *going to North Malabar, the place where this Bill has now originated.* Then I was met with very severe opposition from that quarter. Now it is an irony of fate that a North Malabar gentleman, Mr. Narayanan Nambiyar, has been instrumental in placing the Bill on the Statute Book. I am sure that for all time to come the two Bills that we have now passed will conduce to the best interests of Malabar and it was in that hope that we have all put our heads together to get this Bill passed."

* Mr. T. C. SRINIVASA AYYANGAR:—" Mr. President, Sir, I do not believe it will be inappropriate for a non-Malayali like me to make some general observations upon the two Bills which have been passed by this Council and from which a good many beneficial results are expected to accrue to a large section of the people of Malabar. But for the fact that this Council is to a very large extent representative of the popular interests, it would not be possible for a social legislation of this sort to be passed. No Government, however constituted, could have undertaken a legislation of this kind confidently. It is well known to everyone that Malabar is exceptional in a variety of ways. The law and the customs and the usages of the people of Malabar are in sharp contrast with those prevailing in other parts of India. The law of inheritance, the method and manner of holding property, the customs and usages with regard to marriage —all these have been considerably altered by the two Bills which have just been passed by the Council. But this alteration has not been brought about by any extraneous forces, by any outsider coming and imposing certain conditions on the communities concerned. The representatives of the people of *Malabar desired these changes and* they accordingly brought these Bills and passed them through this Council. The magnitude of the change that is wrought by these pieces of legislation will be realized when one remembers that a certain usage which Vignanana Yogi in the 11th Century pronounced as obsolete in the Mitakshara law is still the current usage in Malabar. I refer to the Devamashyana form of adoption. With regard to the institution of property again whose main features elsewhere are alienability, partibility and succession in the line of sons, the usage in Malabar is different from that in other parts of India. These Bills will in course of time assimilate the Malabar law in its main features to the laws prevailing elsewhere although they may not go so far as to make them the same as those prevailing on the east coast. On the east coast partibility is the normal feature so much so, a few ancient estates are preserved by a special legislation of this Council, namely, the Impartible Estates Acts of 1902 and 1904. On the other hand all the estates in Malabar have been impartible and practically inalienable although the operation of custom and the operation of case law have not been able to avoid wastage while preventing partibility. The Bills will put an end to those anomalies. As a non-Malayali I hope that the Bills will result in as much of beneficial results as are expected by the communities concerned.

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"I should like also to tender my congratulations to this Council and especially to such of the Members who have directly or indirectly like myself helped in the passage of these Bills. Let me also add my humble tribute to that paid by so many hon. Members to the hon. Sir M. Krishnan Nayar whose regime as Executive Councillor of this Government will be associated with so many pieces of good legislation such as the one in the cause of the tenants of Malabar and the two Bills passed by the Council just now. Finally I should not fail to mention the services rendered by Mr. Raman Menon, not humble services as he called them himself, but very important services, the importance and magnitude of which we can appreciate only if we go through the several minutes of dissent to the report of the Select Committee of which he was the Chairman. Those minutes show what a difficult task Mr. Raman Menon must have had in presiding over a Committee in which so many conflicting interests were represented. It is also satisfactory to note that so many estates whose impartibility and integrity ought to be maintained have been enabled to so exist and continue by a satisfactory compromise. Let me hope that the Bills in their operation will confer all the benefits that are expected of them."

Dr. P. SUBBARAYAN:—"Mr. President, I wish to pay my tribute to the Movers of these two Bills, Mr. Palat and Mr. Narayanan Nambiyar, who have been instrumental in passing this legislation which has been called for in Malabar for a long time. As my hon. Friend, Mr. T. C. Srinivasa Ayyangar, mentioned, both the hon. Sir M. Krishnan Nayar and Mr. Raman Menon have largely contributed to the success of the two Bills passed by the Council. Mr. Raman Menon said that the whole section about social usages and customs had been copied word for word from the Bill of Sir Sankaran Nayar of 1896. But may I point out to him that we are living in 1932 and not in 1896? In fact Sir Sankaran Nayar's son who is a respected Member of this Council voted for the amendment of the section. It shows that he has advanced views and is prepared to support all questions of social reform and that Sir Sankaran Nayar himself must have changed his opinion. I am glad also that the question of stanis and the question of the impartibility of stanam estates have been solved in a way acceptable to all people. I know that some of the younger members of these tarwads were much concerned about these estates being made impartible. They felt that they had not been treated properly in the matter of their maintenance and their education. I hope these stanis will take note of this feeling among the younger members of the family and prove to them by their conduct that impartibility is an advantage to such estates. I also hope that the younger members will consider the economic conditions of the estates and will not be keen on partition when they are treated properly by the heads of the stanams.

"In conclusion, Mr. President, I wish to say that both the Select Committee and this Council have been considerably helped in

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their labours by Rao Bahadur R. V. Krishna Ayyar, our Secretary, who took a great deal of trouble in drafting our amendments. Lastly, I wish to pay my tribute to Mr. Appu Nayar who has been present throughout the meetings of the Select Committee and taken an indefinite amount of trouble in putting the amendments into proper shape."

Mr. U. C. Subrahmanya Bhatt:—" Mr President, in associating myself with hon. Members who have paid a well-deserved tribute to the Movers of the two Bills, the hon. the Law Member and the Chairman of the Select Committee, I should like to say that if in recent times there was any Bill passed by this Council which has satisfied all the parties concerned, it is the Bill now before us. No doubt during the Select Committee stage it appeared that on some questions at least there was bound to be some dissatisfaction in one or other of the sections of this House and persons outside who are interested in this legislation. But it is a matter for sincere congratulation that both the Movers and the Government have found a way out of the difficulty and arrived at a compromise satisfactory to all concerned. First of all there was the question of the exclusion of the Kovilagams of stanis from the operation of this Bill. This question was solved satisfactorily. Secondly there was the question of the inclusion of the Jains of South Kanara from the purview of this Bill. The Jains in South Kanara though only about 10,000 in number are a very influential community and they hold quite as much if not more property than the other important community of Bunts. I am thankful to the hon. the Law Member for having included the Jains also within the scope of the Bill and conferring on them the benefits of this piece of legislation whose object is to remove the various defects in the Aliyasantana system of law obtaining in our district. Again there was the question of life estates granted to males. On this point it is not correct to say that in voluntary partitions life estates were granted only to males. Both males and females were given only life estates and there was no partition strictly so called. The property could not be alienated from the family and the so-called partition was only a family arrangement whereby the different sections of the family enjoyed specific portions of the property during their lifetime. Here also I must thank the hon. the Law Member for having consented to delete the clause which branded the males of the community with the mark of slavery and condemned them to be subordinates and serfs of the women.

" Without these changes, the law would not have been worth 12-4 having by the people of Malabar. It would have cut off a very p.m. important section of the community following Aliyasantana law from the operation of the Bill and it would have put a brand of inferiority on the males which would have been quite unjustifiable. For these reasons this is a matter on which we have to congratulate ourselves and we have to thank the hon. the Law Member for having found his way

to satisfy the people and come to a compromise on this very important point. This is a very important piece of legislation which seeks to bring about very important changes—some may say radical changes—in the system of law which is at present in vogue in Malabar and South Kanara. If law and law-making had been left solely to the people, if custom had been allowed to continue and develop, the society would not have been static, but dynamic changes would have taken place. But unfortunately British Courts which introduced foreign notions of justice and foreign notions of jurisprudence in interpreting our customs and laws, have introduced certain changes which have made the law stereo-typed and static and no change was possible except by the vote of a legislature like this. I am glad to say that those changes which could not otherwise have taken place, have been brought about by this piece of legislation. In order to illustrate this point, I may say this, that in or about 1850 or 1860, the law as it stood in our district was that every Aliyasantana property was partible. But unfortunately some decisions of the High Court were to the effect that Aliyasantana property was not partible. Therefore from this date to this, the usual practice and principles which were in force, were changed and all Aliyasantana property was declared to be impartible and as a result of it, all the attendant evils followed. It took nearly 60 years for that mischief to be undone. Anyhow it is a matter that has to be congratulated upon that at least now the mischief has been undone and that the benefits of this piece of legislation are going to be conferred on the people. We hope that this Act would satisfy the people and make them happy."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Mr. President, Sir, I do not wish to detain the House for more than 2 or 3 minutes. I want to congratulate my hon. Friends, Messrs. Palat and Narayanan Nambiyar, on their having introduced this Bill and on their success in getting this Bill passed into law. I hope it will soon become law and be placed as a statute in the Statute Book. Though it may appear to be a little invidious, I wish to refer to the Chairman of the Select Committee. Of course all the members of the Select Committee paid considerable attention to the provisions of this Bill. I may, however, say this, that the long experience at the Bar of my hon. Friend, Mr. Raman Menon, who was the Chairman of the Select Committee, and his wide knowledge of the affairs of the world, were of considerable help in shaping the provisions of this Bill. As I said, I do not, in the least, wish to say anything against the very valuable help rendered by the other members of the Select Committee in the course of the deliberations of this Bill.

"May I also say that personally it gives me considerable pleasure to think that these beneficial measures have become law, when I happen to be a Member of the Government of Madras and in charge of the portfolio relating to civil rights. I thank also all the hon. Members of this House for their kindness in referring to my services in connexion with this Bill.

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"I wish also to refer to some statements made by my hon. Friends, Mr. Pocker Sahib and Mr. Arasu. I am thankful to Mr. Pocker for the compliment he paid to me. He also said that I introduced a similar measure so long ago as 1910 and that it was not passed into law, by reason of the opposition of the Government then. Most if not all of the Members of the Government that existed in this province in the year 1910, have left this world. They are beyond our praise or censure. But in justice to them, I feel it to be my duty to say that the measure which I introduced did not then become law, not on account of any fault on the part of the Government then. I must say that they did not oppose my measure. It did not become law for this reason; that, before it went through its several stages, I myself had to leave the Council as I accepted an appointment in an Indian State. That was the reason why it did not then become law, and not because the Government of the day opposed it.

"Another statement which I wish to contradict publicly is the one made by my hon. Friend, Mr. Arasu. He stated that, under the provisions of this measure, if it becomes law, half the properties of the Nambudris would go to the Nayars. I think it is my duty to see that this statement of my hon. Friend does not go to the world uncontradicted. The statement made by my hon. Friend is due to, I may say with considerable humility, his ignorance of the conditions of Malabar. All those who come from Malabar know very well that the people there do not entertain the fear entertained by my hon. Friend.

"With these words, I have great pleasure in supporting this motion."

* Mr. M. Devadasan:—"Sir, I am glad that this Bill has been framed in the light of public opinion and civilization now. I am not much interested in Malabar, but I have moved with people from Malabar and I have observed the customs of these people in several places. A Bill of this kind has not been passed by this Council before, a Bill which confers equal rights upon women. We have come to understand the rights and privileges of women and this House is not slow in recognizing the same. My hon. Friend, Mr. Srinivasa Ayyangar, stated that the law that is passed now, is peculiar to the West Coast, and that the law is different from that practised in the East Coast. The provisions of this Bill are nearly similar to the laws that are prevailing among the Christians. So far as the question of divorce is concerned, an amendment regarding the reasons for the divorce was brought forward, but it was not passed. The restitution of conjugal rights is denied to the husband or wife since it is an impractical step. In the light of modern opinion, suits for restitution of conjugal rights have been discouraged. The present tendency of the people is not to encourage polygamy or polyandry. On the other hand, monogamy is insisted upon by the Christians as well as other civilized classes. The Bill introduces

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monogamy in its full form among the people governed by Marumakkattayam law. So far as the law regarding management of properties is concerned, I think it is an improvement on the old system. I hope that this Bill will bring domestic peace to several families which have been more or less ruined under the existing practice which has been tolerated in the past. The present Bill is one of those Bills that have taken shape in the light of modern conditions and is one of the attempts to make the old order of things yield place to the new. I hope that the provisions of this Bill will be effective and will certainly bring happiness and prosperity when put into operation. There may be some difficulties in working the provisions of the Bill, but a time will come when those difficulties would be overcome. With these words, I congratulate the authors of the Bill and others who assisted them in piloting the Bill."

Mr. Abdul Hameed Khan:—" Sir, let me congratulate the Malayali Members of this House on having achieved this unique success in this House and on getting this Bill passed into law. The House will feel some sort of satisfaction when we think of the fact that a large portion of the measures that have been passed by this House, have been those affecting Malabar. We passed the Malabar Tenancy Act. By passing the Bills of Messrs. Palat and Narayanan Nambiyar, we are legislating with regard to social customs and property rights of the people of Malabar. We have also heard the remarks made by several hon. Members that the need for legislation of this character has been felt from a very long time. Attempts in this direction were made as long as twenty years ago by my hon. Friend, Sir Krishnan Nayar. He brought forward such a measure and wanted to have it passed into law. On account of the reasons which he has himself stated to-day, it was not possible to get that measure passed. It is very unfortunate that none of the hon. Members coming from Malabar thought it fit to table such a Bill earlier than this. The entire credit goes to my hon. Friends, Messrs. Palat and Narayanan Nambiyar, for bringing these measures in time and getting them passed into law. I am sure that the people of Malabar will be really grateful to these two Gentlemen for bringing about this much-needed reform. We are now existing in an atmosphere where we find, all round, desire for social reform. We are doing away with customs and usages which have been harmful to the people who have adopted those usages and customs. But now, with the march of time, we have revised our notions of the place that should be given to one's own wife in regard to her rights to the property of her husband or the property of the family. And so, it has been necessary, I think, to consider the rights of men and women in the sthanams which continue to exist, and also the legitimate share which the junior members of tarwads ought to get. In this measure, we have been able to some extent, to give relief to the junior members of the families; but I am sure that it will be

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possible in the near future for some hon. Members coming from Malabar to introduce an amending Bill which will give them all the entire relief they have been seeking for.

"I am sure, Sir, that public opinion in Malabar is in favour of such a legislation. This measure has been arrived at as a sort of compromise between two different points of view, and it is to be hoped that, when this measure becomes law and is put into effect, there will be smooth sailing. There are, of course, hon. Members of the legal profession who might entertain doubts as to how this measure will work and as to whether there will not be legal difficulties creeping up which would, in effect, nullify this. I am, however, of opinion that when so many hon. Members have taken immense interest in this, especially when the hon. the Law Member, with his vast experience of law and his vast experience of administration, both here and elsewhere has satisfied himself in this respect, and when along with him the hon. Mr. Raman Menon, Mr. Palat and other Members of Malabar are also satisfied, when this Bill becomes law, it will work smoothly and will result in great good to the people of Malabar.

"I have now to refer to only one thing more, Sir, and that is the interest that Mr. Pocker took in this matter. Although when he spoke he said that the Muslim community of Malabar—the Mappillas—were not affected by this Bill, yet I understand he took a very keen interest in the Select Committee; and not only that, I found even in this House he took very great interest in giving a proper shape to this measure. It looked as if he identified himself entirely with the interests of the Hindu Community. That, Sir, was a very wholesome state of affairs and I congratulate the hon. Members coming from Malabar on the unanimity among all the communities in Malabar in all matters relating to that part of our province. That unanimity is certainly a matter for congratulation, and I hope that it will be copied all over the country.

"Now I conclude, Sir, by congratulating once more the hon. Members from Malabar on the success that has attended their efforts in getting this Bill passed by this House, and I hope ere long this will be put into effect."

Mrs. K. Alamelumangathayaramma addressed the House in Tamil and the following is the English translation of her speech:—

"Mr. President, two important measures of great importance to Malabar Society have been passed into law. The Marumakkattayam Bills and the Nambudri Bill have passed through all stages with the help of hon. Members. In response to the general feeling for reform in Malabar, the Law Member has also, it must be stated, done a great service in assisting these reform measures. But it must be confessed that the wishes and desires of educated women of Malabar have not been fully met by these measures. Still as something is better than

nothing, these measures deserve to be welcomed. I feel gratified particularly at the fact that the amendment for the retention of polygamy has been rejected by the Council. I feel sure that my Malayalee sisters will equally feel gratified at this. There is no doubt that they will welcome the penal provision that those pactising polygamy are subject to a maximum fine of Rs. 1,000. Though I wanted that the measure should have been more far reaching in its scope than it actually is now, still I must express my satisfaction that it has been possible to introduce at least so much reform. I hope it will be possible to make still more changes for bettering the social life of Malabar. I thank the Council for passing such a legislation which will place a great community of women on a better, nobler and more self-respecting basis, and I convey to them the hearty thanks of my Nambudri sisters for supporting and passing such a long-needed piece of legislation."

* Mr. Yakub Hasan :—" Mr. President, Sir, it is a matter for great satisfaction to this House that after several unsuccessful attempts made on the floor of this House during the past more than two decades, this House has at least succeeded in presenting Malabar with a code of law. Sir, happy are those people who have no history. So also happy are the people who have no law; but customs and usages sometimes become so irksome that a remedy has to be provided in the shape of law. I am sure many good features of the customs and usages of Malabar have been preserved in this measure and that some of the abuses which are injurious to society have been removed.

" One thing that struck me was that most of the customs and usages of Malabar are common both to the Hindus and the Mussalmans there, and even in regard to this Bill there was at one time a suggestion that a common law should be enacted which would be applicable to the Hindu families as well as to the Muslim families of Malabar. But, in order that this Bill might not become more complicated, that idea was not acted upon. But, as suggested by Mr. Raman Menon, at some future time a short Bill might be brought up, which would make this law applicable to the Mussalmans with certain modifications which might be required by the religion of Islam. If such a law comes into effect in Malabar, Malabar will be the first province in which it will be said that an attempt has been made to have common laws for both Hindus and Muslims. Sir, I once more congratulate the people of Malabar in having at last secured laws of the type we are now engaged in passing."

* Mr. Basheer Ahmed Sayeed :—" Mr. President, Sir, I congratulate the hon. Members who have been responsible for this measure. All the same, while they have my congratulations, I am reluctantly compelled to point out some of the defects that exist in the Bill in spite of the seven Members coming from Malabar having done their best to rectify them and to make the Bill as perfect as possible. In view of the conflicting views held by the seven

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Malayalee Members of the Council and in spite of the spirit of co-ordination and co-operation manifested by them, I feel sorry that such defects as I am going to point out in the Bill have been left untackled. On that account, however, I do not for a moment deprecate the attempt or the bona fides of the hon. Gentlemen who have been responsible and who have taken such keen interests in this measure. My congratulations are due to one and all of them. I am further to congratulate them on the fact that this measure has not been made applicable to the Muslims of Malabar and rightly so. If this measure was to be applied to the Muslims, I think there would have been a great chaos brought about in the existing order of the society of Mappillas of Malabar. Thanks to my hon. Friend, the Member representing the Muslims of Malabar, he did not insist on this measure being made applicable to the Muslims of Malabar as well.

"When we examine the Bill as it has been passed by this Council at the second reading stage, we find still that several defects persist. One of them which I cannot overlook and which I cannot but refer to on this occasion even at the risk of repetition is clause 5 of the Bill. I cannot concede that this clause is really warranted by the conditions now obtaining in Malabar or even by the conditions that might obtain in future. I find there is conflict of opinion even among the seven Members themselves with regard to the customs and manners and the conditions existing in Malabar. This very morning we heard the hon. the Law Member saying that ordinarily the Malayalees—whether Muslims or non-Muslims, whatever caste or community they belonged to—do not have recourse to curd or whey. But on this side, there was another responsible hon. Member representing, of course, one section of Malabar, saying that whey is used commonly by Mappillas and non-Mappillas. That being the case, having regard to the fact that there are only these seven Gentlemen now engaged in legislating for the whole of Malabar, I must observe that it is not safe to leave this measure as it is. It requires further consideration, especially clause 5 of the Bill.

"With regard to this section, I consider that very soon we are going to experience a very serious state of affairs in Malabar. Of course, the custom now prevailing is polygamy for I think polyandry has ceased to exist. I see some people disputing this fact. But all the same, this serious interference with the rights of men to have more wives than one will certainly create disorder which we will not tolerate when it comes about.

"Sir, the question has been misunderstood. I have had occasion 1-15
to find out whether the hon. Members who are present here really p.m.
represent the opinion that polygamy should go and monogamy should be enforced by means of legislation. I find from responsible Malayalees belonging to the Nayar community that that is not the opinion generally entertained in Malabar. That being the case, I do not know how far this House will be justified in bringing in a provision of that

kind where polygamy is sought to be restricted, knowing as we do the evils of such enforced legislation in favour of monogamy. Only the other day, not long ago, Sir Sivaswami Ayyar wrote an article in the *Hindu*—I hope hon. Members have seen it—where he pointed out so succinctly the evils of forced legislation in matters regarding society and religion. Now, Sir, we have to go very cautiously in matters relating to the reformation of our society and our habits. Such being the case, this Bill as it is, seeks to sweep at one stroke so many of the social customs and social usages and habits that have been obtaining in Malabar for ages and ages.

"Now, I come to sections 13 and 14 of the Bill. In view of the general law of the country which is applicable to one and all living in India, these two sections seem to be superfluous. All Marumakkattayees and non-marumakkattayees are governed by the provisions of the Guardian and Wards Act and I do not see why these special sections are incorporated in this Bill. Apart from that, this section 13 conflicts with section 35 which relates to minors and guardianship. Section 35 states clearly that 'every member of a tarwad, whether living in the tarwad house or not, shall be entitled to maintenance consistent with the income and the circumstances of the tarwad.' But section 13 says: 'The wife and minor children other than married minor daughters under the guardianship of their husbands, shall be entitled to be maintained by the husband or the father, as the case many be.' I do not see how these two things can be made consistent with each other. The proviso to section 14 is also inconsistent with the general principles of law governing all persons in this country. I do not see why this has been introduced and what justification there is for this particular clause excluding women belonging to tarwads. I do not see why they should be given this exemption and others not.

"Then, with regard to section 20, I do not know how exactly the Select Committee and this Council have come to enunciate the principles contained therein. I do not know wherefrom these principles have been deduced with regard to the distribution of property in cases falling under section 19 which relates to distribution of property of an intestate who has left surviving him a child or children, etc. I say that this distribution is neither fish nor fowl. I can understand if they had brought into existence any known method which is based on some known system of jurisprudence. I do not know what system of jurisprudence is involved in the kind of distribution they have now laid down under section 20.

"Again, Sir, with regard to section 4, there is a patent inconsistency which has not been noticed by hon. Members who are in charge of the Bill. Section 4, sub-clause (*b*) (ii), says that the consent of the guardian or guardians of such minor or minors is not necessary for the legality of a marriage and later in the same section, sub-section (2) says that it shall not be deemed to be invalid merely on the ground that the consent of the guardian or guardians of such minor or minors was

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not obtained to the union. These two things seem to be redundant. One thing or the other must have been omitted. For all these reasons, I think, Sir, that the Bill as it is, ought to wait for some time more before it can become law.

"Next, I go on to section 33. This section is not clear by itself. It says 'Except for consideration and for tarwad necessity or benefit and with the written consent of the majority of the major members of the tarwad, no karnavan shall sell the immovable property of the tarwad or mortgage with possession or lease such property for a period exceeding 12 years.' It is against all principles of the law governing Hindu families. It says that even for tarwad necessity the property shall not be alienated or leased for any period exceeding 12 years without the written consent of the major members. Thus the karnavan's right is wholly restricted. If he cannot bring into effect certain transactions even for urgent family purposes, I do not see how he will be able to manage tarwad property as manager or karnavan. Such restrictions ought not to have been imposed on the manager of a tarwad. It would have been better if the sub-clause (2) to section 33 had been omitted, because it means the same thing as that mentioned in sub-clause (1) of the same section. There is a great deal of repetition and unnecessary matter introduced in this Bill. I think, this is merely the result of hasty legislation and, if I may be permitted to say so, if it is not hasty it is due to a want of sufficient attention, sufficient concentration and devotion on the part of those Gentlemen who are responsible for it.

"One other matter before I am done and that is in regard to the last chapter relating to the partition of certain properties—I mean clause 43 (1) as amended. I do not see what justification there is for the rights of members of certain tarwads to be restricted with so many conditions. Even as you have given the right to the members of other tarwads to divide their tarwad properties, why should these stani properties or other properties not be divided on the same principles. When legislating for any particular people or any section of the people, you either lay down rights which vest in them absolutely or not but I cannot think of legislation which vests rights in certain sections of a tarwad or family subject to and hemmed in with all sorts of conditions like these, the section says if the property is to become partible it should be registered, and for registration there should be two-thirds majority of the major members of a tarwad. I say that this is giving no right at all to those members. In the case of local bodies and other self-governing institutions, they want three-fourths or four-fifths majority in certain cases, but when you are legislating for other people, you must vest in them absolute rights or not at all. It remains to be seen how far it will be possible for these conditions being fulfilled before junior members can claim partition.

"On these grounds, Sir, I would fervently appeal that this measure should not be passed into law this day, but should wait for

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further consideration and some time should be allowed to see what exactly is the scope of these amendments and how exactly they will work when they are put into force."

Mr. C. KRISHNAN:—" Mr. President, Sir, on behalf of the Thiyya community which is also affected by this Bill, I welcome this piece of legislation, and I thank you heartily for getting it passed in the Legislative Council."

* The hon. the PRESIDENT:—" I will now put the question to the vote of the House. The question is—

> '*that the Marumakkattayam Bill, as amended, be passed into law*'."

The motion was carried and the Bill was passed into law.

V.—POINT OF ORDER AND RULING *RE* THE TRANSACTION OF OFFICIAL AND NON-OFFICIAL BUSINESS.

The hon. the President called on the hon. Sir. Archibald Campbell to move the motion standing in his name regarding establishment of a Second Chamber.

* Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—" Mr. President, I beg to rise to a point of order. Under Standing Order No. 5, days are divided into official and non-official days. This is a day which has been fixed for the transaction of non-official business. I will draw your attention to the fact that notice was given to us that as many days will be allotted for the Marumakkattayam and Nambudri Bills as are necessary. That being so, this will be a non-official day. The standing orders as they stand do not know of any day which is partly official and partly non-official and also in the notice that was given to us about the business for this day, what is put down is 'Questions and Answers; Non-official Business.' Such being the case, if there is no non-official business, the matter may at least be considered. If I remember aright, when on a particular official day there was time available for non-official business, you ruled that that was an official day and no non-official work could be done on that day and we had to disperse at about 1 o'clock or so. Such being the case, the same rule might be applied to this day also, this being a non-official day, that no official work can be taken. I also beg to submit that there is any amount of non-official work available as there are a number of resolutions already ballotted. It is very rarely that we get an opportunity for those resolutions to be considered in this Council and the time allotted for non-official business has been recently very much restricted. That being the case, I beg to submit that it would not be fair that the remaining portion of the day should be given for official business and not taken up for the transaction of non-official business. Under Standing Order No. 5, I beg to submit that no official business can be done to-day and there is any amount of non-official work available for the day also."

* The hon. the PRESIDENT:—" I will give my ruling after lunch time. The House will now adjourn and meet again at 2-30 p.m."

After Lunch (2-30 p.m.).

* The hon. the PRESIDENT:—" The point of order raised by the hon. Member for Coimbatore is based on a misapprehension. His Excellency expressly allotted the first two days of the meeting for the transaction of non-official business *other than* the Marumakkattayam and Nambudri Bills and as many days thereafter *for* these Bills. He also expressly stated that after these two Bills were finished, official business would be taken up. The two days allotted for non-official business other than the Marumakkattayam and Nambudri Bills were over on the 1st November. Such time as was available thereafter for non-official business could be utilized only for the consideration of the Marumakkattayam and Nambudri Bills. These two Bills also are now over. No non-official business can be taken up hereafter. In the notice that was issued by the Council office on the 19th October 1932 it was expressly stated that 'official business would be taken up *after* the two Bills were finished.' In the agenda that was issued for to-day, it was expressly stated that this day would be utilized for the Marumakkattayam and Nambudri Bills and that after they were finished, official business would be taken up. Therefore there is no force in the point of order raised by the hon. Member for Coimbatore."

OFFICIAL BUSINESS.

VI.—MOTION UNDER RULE 24-A OF THE LEGISLATIVE COUNCIL RULES *RE*: ESTABLISHMENT OF A SECOND CHAMBER.

* The hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, Sir, I beg to move—

> '*that paragraphs 376 to 385 of the Report of the Indian Franchise Committee relating to the establishment of a Second Chamber be taken into consideration in their special application to the conditions of this Province.*'

" As copies of the report of the Indian Franchise Committee have not been communicated to the Members of this House, the paragraphs referred to in the motion have been separately printed and circulated to hon. Members a few days ago.

" I propose to explain briefly the object which we have in view in placing this motion before the House and the attitude which the Government will adopt towards it and to set out certain considerations of a general nature which may be of assistance to hon. Members in dealing with this motion.

" The object of this motion is to raise a debate on the question whether a Second Chamber should form part of the future constitution of this province. His Majesty's Government would like to have an expression of non-official opinion on this subject, but I desire to make

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it clear that His Majesty's Government cannot regard themselves as bound to accept any resolution which may be passed in this House in the course of this debate. Any resolution passed together with copies of the proceedings of the debate will be forwarded to the Government of India for submission to the Secretary of State and no doubt the views expressed will receive the most careful consideration at the hands of His Majesty's Government.

"The Madras Government have already expressed their views on two occasions on this subject and those views are known to hon. Members of this House. As, however, what is desired is an expression of non-official opinion, it is not my intention on this occasion to ask the House to pass a resolution in support of the proposals of the Government; the Reserved half of the Government and the nominated officials will adopt a neutral attitude in respect of any amendments putting forward definite proposals in favour of or against the establishment of a Second Chamber.

"In the paragraphs of its Report referred to in my motion, the Indian Franchise Committee has summarized the opinions expressed by the Statutory Commission, the Indian Central Committee and the Provincial Committees which sat with the Statutory Commission, of the provincial constitution sub-committee of the Round Table Conference and of the Provincial Governments; the Indian Franchise Committee has also summarized the arguments in favour of and against a Second Chamber and has finally refrained from making any proposal on the subject. It will be seen that the Statutory Commission, the Indian Central Committee and the Provincial Committees were divided on the subject. Originally only three Provincial Governments were in favour of a Second Chamber, namely, Bengal, United Provinces and Bihar and Orissa. Later, however, the Provincial Governments and the Franchise Committees of Madras, Bombay and Assam also expressed themselves in favour of a Second Chamber. The latest recommendation of the Madras Government was that there should be a Second Chamber of about a quarter of the strength of the Lower Chamber, but the Government were divided as to its constitution, some Members of the Government being in favour of all the Members of the Upper Chamber being elected by a limited electorate on a high franchise qualification while others favoured a proposal under which some of the members would be elected and some would be nominated by the Governor from among persons possessing administrative experience, the number of nominated members to be less than the number elected; the main object in view was to provide an effective check on ill-considered and hasty legislation.

"At the present time, States which form units of a Federation do not always possess a Second Chamber but in federal or unitary constitutions a Second Chamber is more commonly provided. The Central Legislatures of the Dominions of Canada, Australia, and South Africa and the legislatures of Newfoundland and Newzealand all include

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Second Chambers. There are Second Chambers in five of the Australian Provinces but there is none in Queensland; in none of the nine Canadian Provinces which possess legislatures, is there a Second Chamber except in Quebec: there are no Second Chambers in any of the South African Provinces.

"The constitution of a Second Chamber must depend to some extent on the functions and duties which it is expected to discharge. There was general agreement at the Conference in 1917–18 presided over by Lord Bryce on the Reform of the House of Lords that the following are the functions of a Second Chamber:—

'1. The examination and revision of Bills brought from the House of Commons, a function which has become more needed since on many occasions during the last thirty years, the House of Commons has been obliged to act under special rules limiting debate.

'2. The initiation of Bills dealing with subjects of a practically non-controversial character which may have an easier passage through the House of Commons if they have been fully discussed and put into well-considered shape before being submitted to it.

'3. The interposition of so much delay (and no more) in the passing of a Bill into law as may be needed to enable the opinion of the nation to be adequately expressed upon it. This would be specially needed as regards Bills which affect the fundamentals of the Constitution or introduce new principles of legislation, or which raise issues whereon the opinion of the country may appear to be almost equally divided.

'4. Full and free discussion of large and important questions, such as those of foreign policy, at moments when the House of Commons may happen to be so much occupied that it cannot find sufficient time for them. Such discussions may often be all the more useful if conducted in an assembly whose debates and divisions do not involve the fate of the executive Government.'

"In the case of federal constitutions, a Second Chamber has been in some cases expected to protect the claims of the Provinces each Province being given equal representation in the Second Chamber, the members being either nominated or elected. In the case of this Province, a Second Chamber would not be required to fulfil that identical function, but a possible function of a Second Chamber here would be to protect communities and interests which may not be adequately represented in a democratic Lower Chamber elected on a wide franchise. In the course of the examination and revision of Bills, a Second Chamber may be able to protect minorities, to prevent unjust and inequitable laws and if vested interests have to be curtailed, to see that compensation is provided or the rigour of the measures is mitigated as far as possible. This protective function would be particularly important if provision were made in the constitution for the election of members to the Lower Chamber by a general electorate with no provision for the due representation of communities and interests by means of special electorates or reserved seats.

"Another function of a Second Chamber may be, as mentioned by the Franchise Committee, to enable persons of political and administrative experience and ability who would not enter the Lower Chamber to be brought into public life and made available for public office; to

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achieve this object, the members of the Second Chamber should be nominated by the Governor on the recommendation of the Prime Minister or of some non-party commission appointed for the purpose or should be elected on a limited franchise with high qualifications or by the Lower House or local boards, the qualifications required of candidates being correspondingly high.

"As regards the constitution of Second Chambers, the House of Lords is mainly composed of hereditary legislators but membership of other Second Chambers is usually obtained by nomination either for life or for a term of years or by election on the same or a different franchise from that of the Lower Chamber. In some cases, the strength of the Second Chamber is unlimited but generally nowadays it is limited in numbers. It is possible, as suggested by the Madras Government to have a Chamber consisting partially of nominated members and partially of elected members.

"An objection to an entirely nominated Second Chamber has been found to result from the fact that nomination is made on the recommendation of the Prime Minister; if the numbers are unlimited, this power may be used to swamp the Second Chamber in favour of the party in power and in any case if the same party remains in power for a considerable time, that party obtains a predominance in the Second Chamber, persons being generally recommended by the Prime Minister as a reward for political services rendered to the party. The Second Chamber then fails to exercise any effective check upon the Lower House, though it may carry out other functions usually assigned to a Second Chamber. Canada affords an example of this evil.

"An objection to a wholly elected Second Chamber is that it may become a mere replica of the Lower House and again fail to exercise any effective check on the latter. In the Australian Senate, the direct election, without any form of proportional representation, of the same number of members from each State, operated at first in favour of the Labour Party so that it was no check on advanced labour legislation and as the Labour Party favoured a strong central unitary Government, the Second Chamber failed to carry out its intended function of protecting the States against aggressive legislation by the House of Representatives. Later, however, the representation of labour in the Senate was reduced to one seat out of thirty-six.

"Except in the case of the Central Legislature of the United States of America, it is generally considered that a Second Chamber should be less powerful than the popular House to which the Ministers should be primarily responsible but if a Second Chamber is wholly elected direct on a wide franchise, it may set up claims to be as representative of the people as the Lower Chamber. The powers to be exercised by a Second Chamber must depend to some extent on its constitution to be of any effective use, it must be able to compel the Lower House to consider any suggestions it may make which are consistent with the policy

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adopted by the Lower House. This consideration may affect the question whether it should have any powers in respect of budget estimates and financial Bills.

" In supporting any amendments against the establishment of a Second Chamber, it will be useful if hon. Members will state how the functions and duties which a Second Chamber is usually expected to discharge and to which I have referred already will be carried out if there is no Second Chamber. The most important of these are perhaps the protection of minorities and the check on hasty and unjust legislation in the Lower House or on legislation which may not be really in accordance with the desires of a majority of the people; the Lower House may get out of touch with the electorate when it has been in existence for some time; the issues which are prominent at a general election will probably be dealt with during the first year after the election and the Lower House, dominated by the party in power or perhaps by a majority of that party in the House, which may not be even a majority of the House, will then proceed with measures which were not prominently before the electorate at the time of the general election.

" I venture to suggest that hon. Members who support the establishment of a Second Chamber should give some indication as to their ideas regarding its functions and constitution and should also consider whether the safeguards which it is intended to provide cannot be obtained by some simpler and less expensive means.

" I beg to move, Sir, that 'paragraphs 376 to 385 of the Report of the Indian Franchise Committee relating to the establishment of a Second Chamber be taken into consideration in their special application to the conditions of this Province.' I am sure that in discussing this motion, and the amendments to be proposed to it, hon. Members will appreciate the paramount importance of this occasion in its bearing on the future constitution of this Province and will give the question at issue their most earnest and serious consideration."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I second it." 2-46 p.m.

* The hon. the PRESIDENT :—" As we did on a previous occasion we shall first dispose of the main motion and concentrate discussion upon the real and substantial issue raised by the amendments or paper."

The House signified its assent.

* Dr. P. SUBBARAYAN :—" Mr. President, I move—

' *to add the following at the end* :—

" *and on such consideration this Council is of opinion that the constitution of a Second Chamber for this Province is unnecessary and undesirable* ".'

" In doing so, Mr. President, I want to point out that in the recommendations made by the Government of Madras to the Simon Commission they stated explicitly that they believed that the future Govern-

ment of this Province which would be fully autonomous should consist of the Governor and a single legislative Chamber and the reason for doing so was that they did not think that anyone who was not represented in the Lower Chamber would find representation in the Upper Chamber. Nor did they think it was necessary to have any Second Chamber as they thought there would be no advantage in a Second Chamber. The Simon Commission when they considered this matter with regard to this Province did not really arrive at conclusions, but left it vaguely by putting forward arguments both for and against the constitution of a Second Chamber, though they accept the recommendations of some Local Governments to have a Second Chamber. The first Round Table Conference recommended that there were provinces where it might be necessary to have a Second Chamber if such a Provincial Legislature thought it was necessary. As far as this Legislature is concerned, therefore, this is the first time we are going to consider whether there is any necessity for a Second Chamber or not. I think the Franchise Committee have put forward the arguments against the Second Chamber in a nut-shell with which I entirely agree. The relevant paragraph is paragraph 384 wherein they say:

'Analogies drawn from sovereign nations to make out a case for second chambers of provincial legislatures in India are superficial, fallacious and misleading. The history of the subject in India tells more heavily against the proposal than in favour of it. While provincial Governments and committees are by a majority in favour of the proposal the weight of public opinion is against the second chamber and such opinion as there is is mostly of those who are concerned more for the special position of the privileged classes than for the advancement of the people at large. Far therefore from conducing to stability second chambers in the Provinces will by impeding measures designed to benefit the mass of the people who have been the most neglected and whose welfare must be the primary concern of the future legislatures, tend to aggravate discontent and hasten the very mischief which all desire to see avoided.

'The establishment of second chambers in the provincial legislatures would be expensive. It would be difficult in many provinces to man those chambers and all interests will be sufficiently represented in the lower house.

'The hopes of people that the coming constitutional reforms will be a measure of political appeacement and will facilitate progress will be destroyed if the partial concessions made with the right hand are in effect to be taken away with the left by the establishment of institutions for the benefit of the favoured few and the whittling down of powers ostensibly given to popular legislatures.'

"I do not think I can put my case any stronger than has been done by the Franchise Committee in putting forward the arguments against the Second Chamber. I have always felt that though there are interests which ought to be safeguarded such interests could be safeguarded in the Lower House itself. I think the hon. the Revenue Member himself in the course of his speech mentioned if there was a Lower House elected by the general electorate without any reservation of seats or special representation of people who deserve such representation then there would be an argument for a Second Chamber. But as we understand the constitution that is going to come, all provisions are going to be made not only for representatives of special interests like the landlords but also special electorates in the case of Muslims, Europeans, Christians and other minorities. Therefore their

voice will be sufficiently represented in the Lower House to ventilate their grievances and to see no legislation is passed as would affect their interests. And talking as a landlord I feel that the landlords' representation given in the Lower House by the recommendation of the Franchise Committee is certainly not sufficient, but at the same time there is representation provided for landlords and I think we ought to realize that if we are to press for the establishment of a Second Chamber the danger that is talked of by the Franchise Committee will certainly arise. If legislation which favours the people at large is going to be impeded by a Second Chamber which is composed of the privileged classes, then the people at large will certainly feel that their benefits are being impeded by a Second Chamber and in that we shall really have a danger of a class war. Therefore, I feel if our interests are to be safeguarded we may certainly ask for more representation in the Lower House but by asking for an Upper House we shall only be bringing in a class war much nearer than it is to-day and with regard to the question of safeguarding of the interests of the minorities they are keen in seeing that the minorities will be sufficiently represented in the Lower House. According to the Poona Pact the number of seats that are available for the depressed classes has been raised to 30 which is in proportion to their population in this Province. And if an Upper House is to be conceded, naturally this class will feel that what has been given by one hand has been taken away by the other. With regard to the Muslims also the same arguments will apply. They have been given as many as 29 seats by means of separate electorates. Therefore, they will be in sufficient numbers in the Lower House to safeguard their interests. The European community have also been provided with seats in the Lower House and therefore the argument that in an Upper House the minorities may have representation and thus protect their interests falls to the ground. Then, as stated by them, there is the general principle that people may feel especially from what has fallen from the lips of the hon. the Revenue Member that the Second Chamber is going to be a place where persons who have not been able to get through the general electorates are going to be entrenched. The word used by the hon. the Revenue Member is that they may be brought in into the Second Chamber in order to be useful for the protection of interests and for office. We have found out what happens to persons who come in for protection of interests and for office. Therefore I say such a thing would not be necessary and if people who do not command the majority in elections are to come in by the backdoor of the Second Chamber, then the feeling will be that their people have not got what they want. When Government encourages such persons to come in, they can in no sense be described as representatives of the people. Coming to the general arguments I would say that the Canadian example is a thing which we can follow more easily. In Quebec a Second Chamber was found necessary because there was the difference between the French and English settlers in Canada. That argument may be put forward in the case of Madras because of the existence of

various communities. But here I can say that Madras is so wholly populated by a single community that the minorities' interests can be protected in the Lower Chamber without affecting the rights of the majority and the institution of a Second Chamber will in a large sense tend to take away the rights which the majority would possess in a single Chamber.

"Going to another point, we will have to first consider what are the functions which would be given to a wholly autonomous Provincial Government. We shall not be concerned in a Provincial Government with things like exchange, army, question of foreign policy, question of levying new tariffs or any large questions that would constitutionally affect the people at large. In such cases, people may feel that hasty legislation ought to be stopped by means of a brake to be put in the shape of a Second Chamber. But, here, we shall be dealing with every-day work of the people at large, and for that I am sure it would be conceded that the people's representatives ought to have the last say in the matter and not be impeded by any such brake to be put upon their will as would be the case if a Second Chamber were constituted. Therefore, if you consider the question from all points of view, we come to the conclusion that it will be a step which will not be conducive to good Government if Provincial Legislatures are going to be saddled with a Second Chamber. I think the hon. the Revenue Member also raised the question of expense. As far as we could glean from the report of the Finance Committee, known as the Percy Committee, we shall not have a great deal of money for expenditure in this Province. When such is the case, I think that argument ought to avail that we should not be saddled with a Second Chamber as it would add to the cost of administration. So, taking every argument that has been put forward, I feel that there is no necessity for the constitution of a Second Chamber in this Province. Because you are not in any way going to satisfy the minorities by the constitution of a Second Chamber. Besides, when you are going to have these minorities represented in the Lower House itself fully, there would be no necessity for an Upper House.

"I know that the Madras Government in their recommendation to the Indian Franchise Committee said that as there has been an extension of franchise there was need for having a brake by means of a Second Chamber. When you come to consider what is meant by the extension of franchise, you will find that the view held by the Madras Government as it was constituted when they submitted their memorandum to the Simon Commission still holds good. After all, we recommended to them that the franchise should not be lowered. But, even taking the franchise as it stands to-day, that is the ordinary ten-rupee pattadar, we may say that even if you are going to increase the electorate, the mentality of the electorate would be the same as it is to-day. You will not be making the electorate more democratic or less democratic than it is now. So the argument that you will not find

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enough material for a Second Chamber still holds good in spite of the extension of the franchise. The Franchise Committee themselves referred to this matter in paragraph 383. This is what they say:

'It is very important at a time when the suffrage is being very largely extended in a country where the vast majority of the electors will be illiterate to create a body which will be representative of experience and expert knowledge to act as a stabilizing factor by being empowered, not to compete for power with the Lower House, but to revise or delay legislation for a short period.'

"Talking about literacy, I wish to say that the enlarged electorate is going to be no more literate or illiterate than the electorate is to-day. In a way it will be more literate as by the recommendation of the Franchise Committee themselves it has been provided that all literate persons should be on the electoral roll. In that sense, the argument that there will be a large number of illiterate voters falls to the ground. They proceed to say:

'The great majority of the democracies of the world, even those which have come recently into being, have been established on a bicameral basis. Experience in the Australian and American Federations seems to show that their existence has been a security against abuse of power and impetuosity on the part of the popular chamber.'

"Here, I think I have already said that if the impetuosity of the popular Chamber is going to be delayed by means of a Second Chamber it will lead really to a class war instead of safeguarding the interests which you wish to safeguard. They proceed further to say:

'A second chamber makes it possible for people of political and administrative experience and ability who for reasons of age, or finance, or health, are unable to enter the Lower House through the arduous process of popular electioneering, to be brought into public life and made available for public office.'

"This is a matter to which the hon. the Revenue Member referred. I have already stated that this will really lead to the feeling in the general mass of the population of this Province that favourites are going to be brought in through the Second Chamber. Therefore it is best to avoid such a feeling gaining currency during the inauguration of the coming constitution. Taking the whole question, Mr. President, it is quite evident that as far as this Province is concerned my resolution ought to be carried that a Second Chamber in this Province is unnecessary and undesirable. I would therefore appeal to all hon. Members of this House not to vote for a Second Chamber, because that would really lead to the coming of a class war much sooner than we expect."

* Mr. YAKUB HASAN:—"Mr. President, Sir, I have much pleasure in seconding the amendment brought forward by the Leader of the Opposition. I am opposed to bicameral legislature even in the Centre. But I realize that there are grounds on which the bicameral arrangement in the Centre can be justified. But those grounds do not exist in the Province, and so a Second Chamber is absolutely unnecessary in the Provinces. Sir, if the efforts that are now being made to introduce autonomy in the Provinces and to delay introduction of responsibility in the Centre, as far as possible, succeed, then a Second

Chamber in the Province will become a very dangerous thing indeed, dangerous for the real autonomous working of the Province. A Second Chamber will be a strong instrument in the hands of the Governor, and it will be used as a check against the Lower Chamber in more ways than is usually the case in independent countries. It has been said that if the Second Chamber is established in Madras, the members will be partly elected and partly nominated. Some of the members will be nominated and others will be elected. Sir, nomination of members is a very undesirable thing. Here, we find in this House that it is on account of the nominated block that always goes with the party in power that we are handicapped very much, and an Upper House with nominated members in it together with the representatives of zamindars and other rich classes will be a very great obstacle in the way of the lower democratic House. Sir, we have heard this morning the statement made by Diwan Bahadur B. Muniswami Nayudu which shows clearly that the presence of a few zamindars in the 'Justice' Party and people with their money bags was able to bring about a situation which resulted in the sending out of the Leader of that Party. Sir, the spectacle we have seen to-day, we feel, is the kind of thing which no party should be guilty of, and if this could take place in a single House as we have now in Madras that tendency will be more aggravated in the Upper Chamber. When the nominated block is entirely wiped out and when the officials cease to sit as nominated Members here and when the zamindars and other wealthy classes are reduced to the proportion that is due to them, then alone this Council will become a real democratic Council. On the other hand, if the new Constitution brings in a Second Chamber with all those influential classes and nominated block and with the power of veto given to the Governor, then the Second Chamber will really be a great obstacle in the way of progress of democracy in the Province. It has been said that some classes who are not at all or sufficiently represented in the Lower Chamber may be nominated or may be brought through election with a specially higher electoral qualification to the Upper House. That will also be very dangerous. We will find then that the activities of the minorities in the Lower House will be checkmated by the members belonging to those minorities sitting in the other Chamber who will side with the Government. We have been trying that all communities should find adequate representation through the general electorate with reservation of seats so that national solidarity may be established in the Council. But, when the representatives of those minorities sitting in the Upper House would be thwarting those in the Lower House in their attempts in this behalf the national solidarity will not come into being as early as we would have hoped otherwise to be established. I will not go further into this question because the proposer of the amendment has gone very exhaustively into this matter, and I would be only repeating some of his arguments if I go further into the question. I give my emphatic support to this amendment, and I hope it will be carried with the support of all communities."

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* The hon. the PRESIDENT :—" I understand that Mr. Sami Venkatachalam Chetti and Mr. Arasu are not moving their amendments. The Raja of Kallikote is not in his place, and the Zamindar of Mirzapuram is not in his place; even if they should be here, I think an adverse vote on this amendment would serve the purpose for which he has given his amendment." 3-15 p.m

* Khan Bahadur YAHYA ALI SAHIB Bahadur :—" Mr. President, Sir, after the two very able speeches that have been delivered on this question, one feels somewhat at a disadvantage to refute some of those academical arguments that have been advanced. This question is as old as the hills and there are books which are full of academical or mechanical arguments in regard to this matter. I however feel that the form in which the question has been raised by the hon. the Revenue Member confines the controversy to the conditions obtaining in this Province. Therefore it seems to me, Sir, that there is not much use in indulging in a controversy of a general or academic nature.

" Sir, as a student of constitutional history, I am aware that in all constitutions, this question of a Second Chamber has always been a topic of constitutional controversy and has been more often decided in favour of the bicameral system than otherwise. The history of this particular question, as it has been narrated by the hon. the Leader of the Opposition, shows that the general tendency has always been in the direction of countenancing the establishment of Second Chambers. The Statutory Commission, though they did not come to a conclusion, definitely expressed a leaning in favour of the establishment of such chambers wherever opinion crystallized itself in its favour. As a matter of fact, even in an earlier report, the Montford Report, an observation was made to the effect that when the franchise was widened and when the constitution of the provincial legislatures approximated more to parliamentary forms, there might be necessity for some provinces to establish Second Chambers, not exactly as a counterpoise to the popular chamber, but to exercise some of those functions which are absolutely essential to maintain the integrity of the constitution and to enable legislation to be worked out to the best advantage and in a most efficient manner. Later on again, when the question came up before the Indian Franchise Committee, there was a definite preponderance of opinion in favour of the establishment of Second Chambers. The majority of the Provincial Governments expressed themselves in favour of it. This Government which had on a previous occasion expressed different views considered that in view of the great extension of the franchise which had been made, happily—if I may say so—from 1½ millions to seven millions, it was decidedly advisable, and from several standpoints it was imperatively necessary that there should be some amount of safeguard in the shape of a revising or what has been called 'a cooling chamber.' So far as the Provincial Franchise Committees are concerned, I may say that the Committee

representing this Province expressed itself in favour of the establishment of a Second Chamber. (Mr. A. Ranganatha Mudaliyar: '*Were you a member of that Committee?*' 'Yes.' '*As a member of that Committee what was your opinion then?*' '*I am afraid I am not at liberty to divulge individual expression of opinion made then*'.) Therefore, the expression of opinion, so far as I have been able to trace, was clearly in favour of inaugurating a Second Chamber. That apart, generally speaking, there are definite useful functions that a Second Chamber can perform, having regard specially to the conditions that obtain in this Province. Probably members on the other side may think that I have got a definite leaning towards the Upper Chamber on account of my association with the conservative elements in this Province and that my views are shaped accordingly. But as a student of constitutional history I feel convinced that at least in the incipient stages of constitution making where there are ever so many dangers of hasty legislation or legislation to which the best attention has not been devoted on account of peculiar exigencies that might exist, at least during the earlier stages of the shaping of a constitution some sort of a filtration chamber should be provided, where most of the work which is required to be done by expert Committees in some constitutions where such substitutes for Second Chamber are provided, can be discharged. Just this morning, my hon. Friend, Mr. Basheer Ahmed, was complaining—how far he is justified I do not see—in the case of the Marumakkattayam Bill which was passed into law—that it was a piece of hasty legislation, that all the amount of attention that has to be bestowed has not been devoted to it. We are aware of several other pieces of legislation that have been passed in this Council which have not led to the best results and with reference to which my hon. Friends on the other side have been complaining. We have had instances in this Council of several pieces of legislation which are absolutely necessary and which have not been moved, owing to harassing administrative pre-occupations of Ministers. In view of these it is pretty clear, especially when the franchise is going to be widened and the Council is going to be enlarged, that it is absolutely necessary, I submit for the earnest consideration of my hon. Friends who turn up their noses at the suggestion of a Second Chamber, that this Chamber should be brought into existence, as a steadying, stabilizing, moderating factor in the provincial constitution. Apart from the question of correcting legislation and providing against the abuse of power and the impetuosity of the Lower House, there is another use to which the Upper Chamber can be put. It will delay for some time at least the passing of legislation and give time to the Lower House itself to complete and satisfy the requirements of the legislation. Apart from that again, one argument has been put forward by the Indians and the Provincial Franchise Committees, e.g., that it is much better that the ultimate power of vetoing legislation is sparingly exercised by the Governor and in any constitution since some such provision should be

made, it is more expedient that the Upper House functions as a sort of a buffer between the Lower House and the Governor so that the Governor may be spared the unpleasant function of exercising the vetoing power.

"Again, Sir, the experience of other countries also tends to this conclusion. And I may also mention that even in the recent constitutions that have been brought into existence, such as Ireland, it has been considered necessary and imperative that a second or a pooling Chamber should exist. I realize that a great deal depends, in arriving at a conclusion over the question of the necessity or otherwise of an appendage of this kind, on the composition of the Upper House and its powers and functions. I am for its being an ally and not a rival. The Lower House may initiate legislation and send it to the Upper Chamber, but the policy adumbrated by the Lower House should not be touched. The Upper Chamber will bring to bear on such legislation their experience and training and see that it is not detrimental to the vital elements of the legislation or affect existing laws or further rights and perfect the machineries of the legislation. I really fail to see what objection there can be for the institution of this Second Chamber whose functions are merely of regulating and steadying and modifying nature.

"Therefore, I feel, Sir, that in spite of the various, and if I may say so, rather technical objections that have been raised, and which are very often put forward on questions of this kind, I feel that a Second Chamber is necessary for all the purposes I have mentioned, to function at least for 10 years. You will remember, Sir, the other day in the United Provinces Legislative Council this question was considered and the Council has decided in favour of the constitution of a Second Chamber. Probably it may be said that the United Provinces stands on a different footing. The Indian Central Committee presided over by Sir Sankaran Nayar made an exception of the United Provinces on the ground that it is full of landed aristocracy. It seems to me that so far as the Madras Presidency is concerned, some of the peculiar grounds which apply to United Provinces may in some measure be deemed to exist. Further, I feel, Sir, that for the protection of the special and vested interests in the province in deciding questions between landlord and tenant, capitalist and labour, community against community, it is necessary to provide checks and balances and in the early history of a constitution a Second Chamber would be necessary where all these evils which would be attendant upon rush of legislation following the wake of the reforms can be reviewed and minimised."

* Mr. Sami Venkatachalam Chetti:—"Mr. President, I welcome this debate for the main reason that it gives scope for thinking on and studying this problem of Second Chamber in the constitution of a Government. I desire, Sir, if I may, to compliment the hon. the Revenue Member for the very able manner in which he has restated

the case both for and against the problem of a Second Chamber. I desire also to compliment my Friend, Mr. Yahya Ali Sahib, who has put in a very lucid manner all that can be said in favour of Second Chambers. Sir, one handicap under which persons who are opposed to the institution of Second Chambers labour is due to the fact that in almost all important countries there are bicameral Legislatures.

"Whether those institutions have come into existence in those constitutions as a result of thinking on that subject mainly and coming to conclusions that Governments cannot get on there or cannot be ensured stability without the Second Chamber is a matter which cannot be corroborated by those who are speaking in favour of institution of a Second Chamber. Every Government which altered or revised its constitution no doubt adopted bicameral Legislatures. There are no doubt very very few exceptions which are not taken into account owing to the fact that those Governments are Governments of very small countries. It is generally believed that these Second Chambers are necessary in order to act as a counterpoise to democractic fervour or as a check to hasty legislation or delaying or revising resolutions and ill-considered actions of Lower House. But the history of the Second Chambers mostly leads us to the judgment that they are not only Chambers second in rank, but also secondary in importance. Taking the peculiar example of the House of Lords with which we must be more intimately acquainted than with the working of similar institutions in other countries, we find, Sir, that the House of Lords has a reason for its existence which does not appear in the creation of any other Second Chamber in any other Government. The House of Lords was originally composed of the representatives of different kinds of Estates which existed in England, viz., the Baronage, the Clergy and the Commons. During these times before democratic form of Government had put in its appearance in England representatives of these Estates were differently called by the King and were asked to vote funds for the Government of the country. There was no connexion between the House of Lords and the House of Commons in either legislation or deliberation. Each Estate has had to contribute a certain amount to the Government and the House of Lords did it separately from the House of Commons. There was a suspension of all these Houses at a certain time and they were restored and the House of Lords also made its appearance but quite in a different capacity. Whenever the House of Lords wanted to exercise superior control over the Lower House, it was resented by the Lower House and steps are taken to correct the judgments of the House of Lords by the process of swamping and other constitutional methods. Therefore, the object of the existence of a Second Chamber in order to correct ill-considered judgments or hasty legislation of the Lower House proved ineffective. On the other hand, the table was turned against the House of Lords by the House of Commons making provision for the increase in the number of persons of the House of Lords who would agree with the Lower House in order

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that the Upper House might come in a line with the decision of the Lower House. Therefore, the House of Lords in England, though conventionally speaking is of the same dignity or of the same status as the House of Commons is in matters of legislation and resolutions, in matters of money bills it occupies a definitely inferior position. I do not understand the objects of those who are in favour of having an Upper House to favour that sort of House. If they want a House of that sort I think it is unnecessary because it is not going to discharge the functions which are assigned to an Upper House, viz., the correcting of hasty legislation or the correcting of ill-considered judgments of the Lower House. In France, United States and Germany the Upper Houses have got more powers than the Lower Houses. They do exercise very important functions and if they are allowed to do so it is because the Lower Houses have not been able to assert their right for the claim of representation of popular opinion. I do not think my hon. Friend, Mr. Yahya Ali Sahib, wants that the Upper House must be on the model of Germany or America or France which would completely appropriate the powers of the Lower House and which would really rule instead of the Lower House. If that is not his intention, we have got to go to another category of these Second Chambers which are merely there in order to have consultations with the Lower House whenever the Upper House considers that certain actions of the Lower House are in conflict with the public opinion or when their resolutions and judgments require rectification or modification. With regard to that we have got to descend to the practical application to this Province. It all depends upon the nature of the powers which our Provinces or for the matter of that the Central Government are going to get. From the manner of the huckstering which is going on in England with regard to the grant of Self-Government or Responsible Government to this country, it seems to me that it is more than probable that only a shadow of responsibility will be given to the Central Government and the powers that will be assigned to the Provinces may not after all exceed what we are practically possessing now. I do not believe that even with regard to the administration of law and order and finance even with the attractive name of Provincial Autonomy the Provincial Governments are going to be as absolute as any Unitary Government are in other countries. Having regard to the completely unknown nature of the powers that might be assigned to the Provinces, it seems to me to be a case of unnecessarily encumbering even the limited powers that might be vested to the Provincial Governments by having a Second Chamber. The material that we have in India is not very rich for political work. That handicap is further aggravated by the vastness of an electoral area. It is only men with long purse and it is only men with some kind of power and influence that can hope to succeed to come even to a popular Assembly. I do not think the composition of the House under the new Reforms would be very much different from its composition to-day. There is also the fact that even

in the apportionment of seats particular care has been taken to assign them to representatives of various kinds of communities and interests. There is therefore no danger of a strong democratic wave engulfing the minority interests or communal interests or interests of a special nature. After all the new House will be a magnified House of the same components for the main reason that the voting qualification is not different from the one which we are having at present. The voting qualification in countries where these bicameral Legislatures exist is either adult franchise or is very very low, but in India you are not going to have anything like that. The franchise qualification is going to be the same, viz., property qualification. Whether the tax-payer is one who pays a large amount or is one who pays a smaller amount, his interests are identical and there is no other interest which would come in conflict with the interest or the composition of the new body. There is no possibility of representatives of particular interests being more democratically inclined than the representatives of other interests. Therefore, the possibility that there would be a storm of democratic and popular feeling and that the Lower House is likely to commit mistakes or likely to be influenced by the gusts of enthusiasm has no force so far as the Provinces are concerned. Then again, there is the difficulty of the composition of the Upper House. With what kind of material would you compose that House? Here again there is such a large diversity of the character of the Upper House. Excepting the Upper House in England which is composed mostly of hereditary Lords, the Upper Houses in other countries are composed partly of nominated Members, and partly elected. As the hon. the Revenue Member has stated, nomination may be for a long time or for a period and it may be partly elected and partly nominated and the election may be again by indirect election of the Lower House or election from local bodies or special interests or educational institutions or men having administrative experience or other kinds of experience or those who have rendered some sort of service to the Government. By a composition of that sort while you are inviting them to co-operate and to correct any mistakes of the Lower
15 House, you are only giving them a power for the exercise of what they
n. consider to be superior knowledge over the Lower House. There will always be a tendency for this congregation of the so-called wise men to think that their wisdom can only be remonstrated by differing from the Lower House. In such cases the Lower House will naturally resent such interference from the so-called wiser House. After all as one statesman aptly remarked, a combination of all talents is sometimes more dangerous than a combination of fools. We would rather not have such a combination which always thinks that it has superior wisdom not possessed by the Lower House. Granting that differences between the two Houses are settled by a joint session, we will be committing a great mistake in the recording of public opinion on particular questions at dispute. If the party in power is able to get the Upper House to agree with it, there would have been no necessity

for the participation of the Upper House in the joint session. But if the majority in the Upper House agrees with the minority in the Lower House, i.e., the Opposition, the Government will be placed at a great disadvantage in the Lower House. The question will arise whether the Ministers who are considered responsible to the Lower House should resign even though they are not defeated in the Lower House but defeated only in a joint session of both the Houses. Naturally there would be a tendency for the Ministers to try to be loyal to both the Houses. Some Ministers will be in the Lower House trying to placate it and some will be in the Upper trying to placate the Upper House. Their responsibility and loyalty will become divided. Either the Government must come to grief or popular causes must perish in the Lower House. I do not believe that Mr. Yahya Ali Sahib would like to view that situation with equanimity. Moreover the powers that are going to be vested in the Lower House are not, I believe, so large and important as to necessitate the constitution of a Second Chamber to correct mistakes and check hasty legislation. As is described in an able note on this subject which is in the hands of my friend here, the Lower House is not going to be given powers of constituent legislation. Therefore, there is no meaning in aping the practice of other countries having a bicameral Legislature. Even statesmen who have been responsible for the framing of constitutions for Responsible Government in the English colonies seem to have remarked at a later date that the colonies concerned were veering round to a different view of the necessity and usefulness of Upper Chambers. I am now referring to Lord Grey who prepared the constitution of more than one self-governing colony. If at all there is any use of an Upper Chamber, it may be with regard to the Federal or Central Government. (An hon. Member: 'Ireland has an Upper Chamber'). I have also read something of the bicameral Legislature of Ireland and I learn they are not at all satisfied with their Senate. No doubt it is true that in America the Senate is very powerful, but conditions in America are not such as can be copied by any other country. For instance, the Lower House is completely in the hands of powerful interests. Each member of the Lower House is amenable to and manageable by special interests. The chances of the Lower House committing mistakes owing to gusts of electoral enthusiasm are great. The Lower House may designedly, deliberately and purposely come to what the Senate might consider ill-considered judgments. That state of affairs is thoroughly alien to India and I have too great a faith in the honesty and uprightness of the electors of this country to think that they would like to copy the practices of the American democracy. But whatever may be the necessity for an Upper Chamber, so far as the Central Government is concerned, there is absolutely no use for it so far as the Provinces are concerned. We do not know what powers are going to be vested in the Provinces. The finances of the Province cannot afford the luxury of a Second Chamber with no powers. On the other hand, if the

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Second Chamber has some powers, they will be used mischievously and in a way which will be resented by the Lower House. For these reasons, I have great pleasure in supporting the amendment moved by my hon. Friend, Dr. Subbarayan, the Leader of the Opposition."

* MR. A. RANGANATHA MUDALIYAR :—" Sir, when the hon. Member, the Raja of Mirzapuram, was away when his name was called to move his amendment, I thought that this House would express only one opinion and that in favour of the amendment moved by my hon. Friend, Dr. P. Subbarayan. But to my great disappointment, the hon. Member from Nellore struck a discordant note. I accept his statement that in the views he has expressed he has not been influenced by any interests he may have in this or that zamindari, but perhaps the general atmosphere in which he finds himself to-day may to some extent be responsible for the change which, I am told, there has been in his case on this question.

" I find among the arguments advanced for a Second Chamber a reference to the illiteracy of the voters. Evidently the idea seems to be that illiterate voters are unable to judge the relative merits of the candidates who may seek their suffrage, that is to say, illiterate voters are unable to form a correct opinion of the different candidates and to express it clearly. In this connexion, I would invite the attention of the House to the way in which the electorates to the local boards, district boards and municipalities among whom there is an appreciable number of illiterate voters function. I do contend that if it comes to a matter of estimating the merits of candidates, forming an opinion about them and expressing it clearly, the illiterate voters will not suffer by comparison in any way with their literate brethren. Another argument was adduced that with a widely enlarged franchise we might not get into the Lower House men of experience and expert knowledge. If we look round this House do not we see here all interests represented? There are title-holders, zamindars, district board presidents, municipal chairmen, retired officials and so on, and I do not know, Sir, if there is any interest at all which does not find adequate representation here. As my hon. Friend, Mr. Sami Venkatachalam Chetti, said, the new House will be an enlarged edition of this House and I am perfectly confident that all interests will find adequate representation there. Sir, the advocates of a Second Chamber want it for people who may not be able to get into the Lower House on account of age. If that is the idea, shall we form a constituency for people over 70 years and get such men into the Lower House itself? What is the special need for constituting a separate Chamber for such people ? If considerations of health prevent some people from getting into the Lower House, shall we have a constituency for the sick and the disabled and get them into the Lower House ? I think that the argument that some people may not be able to get in under the single Chamber system on account of age or ill-health is not a valid argument to be taken note of by us.

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" Another argument is that the Second Chamber had better act as a brake rather than His Excellency the Governor. We know what such a Chamber will be like in practice. Now we have an executive part of which is irresponsible and part is supposed to be responsible. As regards the latter we know how their responsibility is handicapped by the constitution of the House such as it is. That is to say, you have nominated members, official members and so on which makes the responsibility to a large extent unreal. Wherever there is no responsibility, power is apt to be used indiscriminately and recklessly. I am sure that the same thing will happen in the case of the Second Chamber which presumably will not be responsible to the electorate, I mean to the real electorate.

" Lastly I appeal to the hon. the Chief Minister who is not now in his place here, not to begin his regime in the Government by lending support to the reactionary views of Mr. Yahya Ali Sahib. I hope he will begin his regime by supporting the amendment of my hon. Friend, Dr. P. Subbarayan, and prove to the world that not all zamindars are indifferent to the interests of the people at large."

* The ZAMINDAR OF MIRZAPURAM :—" Mr. *President, Sir, I rise to* oppose the amendment of Dr. P. Subbarayan. The constitution of a Second Chamber is justified on historical grounds and tradition as well as on the needs of to-day. Almost every civilized democratic country has a Second Chamber and the fact is that Second Chambers are the rule and single Chambers are the exception.

" I am surprised that my hon. Friend, the Leader of the Opposition, who is a landholder, feels so strongly against Second Chambers and characterizes them as unnecessary and undesirable. As a class that has the largest stake in the country and pays over 44 per cent of the land revenue to Government, the landholders feel that there should be a steady Government in this country and the *constitution of a Second* Chamber will have a steadying and stabilizing effect on the hasty and probably impulsive legislation of the Lower House.

" It is a matter of common memory how certain measures passed by this House have not received the assent of the Governor and how they have been referred back by him for further consideration. If the Governor is to be in future merely a constitutional Monarch it is all the more necessary that there should be Second Chamber to act as a check and revising authority on the activities of the Lower House and thereby obviate the vetoing power of the Governor. It must be admitted that a Second Chamber can perform this useful function. It can act as a revising authority and as an *institution that can refer back* measures to the Lower House for further consideration. It should also have the power of confirming legislation passed by the Lower House. Hon. Members will agree with me when I say that the Motor Vehicles Taxation Act and the Local Boards Amendment Act of 1930 would not have been passed in such a form as to cripple the legitimate resources of local boards if there had been a Second Chamber in this Province.

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m. "By two pieces of hasty and short-sighted legislation, the finances of local boards have been very hardly hit and nothing has been done for the last two years by the Government or this Council to remedy this evil. District boards have lost over 50 per cent of their income out of toll revenue. Of course Special Officers may be appointed to investigate and stabilize the Boards' finances but what can any Special Officer do as long as these evils are not remedied ?

"The reasons that necessitate the creation of a Second Chamber in the Centre apply with equal if not greater force for the constitution of same in the Provinces. Second Chambers in Provinces will serve the very useful purpose of placing opportunities on men of marked and acknowledged ability whose valuable services would not otherwise be available to the country owing to the worries, turmoil and expense so inevitable nowadays in an election to the Lower House. Besides, such persons would be free from party or communal politics and can bestow *the best thought on the subject on its merits. Sober second thoughts* are always the best thought and a Second Chamber will always serve this purpose.

"Historically speaking, Second Chambers are nothing new in the constitutions of civilized countries. Here we are now trying to imitate the British Parliament and the Provinces of the Self-Governing Dominions of the Empire, Australia, Canada and South Africa. Can it be denied that the Upper House in Great Britain is a very old and useful institution and has come to stay ? Can it be said that the House of Lords is a superfluous and useless body? On the other hand history proves that the only attempt made in Great Britain in the 17th century to abolish the Second Chamber was short-lived and resulted in the military domination of Cromwell and his Ironsides. The Second Chamber therefore was very soon revived and re-established. I may also quote how in the 18th century attempts to constitute a single Chamber in America failed and how in the year 1787, the American Constitution divided the Congress into a Senate and a House of Representatives. It will be enough for me to say that the bicameral system exists in all colonies under the British Commonwealth and the grant of Dominion Status to India should necessarily imply the constitution of Second Chambers in Provinces.

"Mr. President, there is an apprehension in certain quarters that there is no sufficient material available in this country to occupy positions of responsibility in a Second Chamber. I would most emphatically protest against any such apprehension. I am sure suitable material would be available for the constitution of a Second Chamber. There is the hereditary aristocracy of the land representing noble houses and families. There are distinguished educationists and retired officers of mature judgment and experience who may not be willing to stand the strain of an ordinary election to this Council. With the extension of the franchise it will become all the more difficult for such persons to enter into the Council. Are we to be deprived of the valuable

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services of such people? If there are suitable persons to become Members of the Council of State, surely there can be suitable persons to constitute an Upper House in the Province. The franchise would be the same as for the Council of State. It is stated that the landholders want to make the Second Chamber a happy home for themselves but I wish to assure this House that there is absolutely no foundation in this talk and the landholders have no such wish. As a representative of the landholders I wish to make our position quite clear and state that the landholders do not even want *reservation for them in the Second* Chamber. They will be satisfied if direct elections are held to the Upper House. I do not think elections from this Council to the Upper House is desirable. We want men outside the party and communal politics of this Council to constitute Upper Chambers and to make it an effective institution; the number may be fixed at say one-fourth or one-third the strength of the new Lower House. It is unfortunate that the Indian Franchise Committee while discussing the advantages and disadvantages of a Second Chamber have left the question open without coming to any conclusion. I agree entirely with the advantages of a Second Chamber that they have pointed out and I feel that the disadvantages pointed out are rather exaggerated, far-fetched and will not arise. I do not wish to take up any more time of this hon. House but will conclude by saying that a Second Chamber in this Province is absolutely necessary and desirable."

* Mr. Abdul Hameed Khan:—"Mr. President, Sir, when we are dealing with the *question of the establishment or not of a Second* Chamber in the Provinces, one might ask the question 'what is the constitution of the provincial administration going to be.' We do not know what really is the definition that the Government either here or in Great Britain give, to the very hackneyed phrase 'provincial autonomy.' Each one has his own conception of the term 'provincial autonomy.' We are not aware what the relations of the Provincial administration will be to the Central Government. We do not know to what extent the Provinces will be really autonomous. The Government have not told us what exactly is going to be the constitution of the Provincial Government; yet, they have come forward with this motion to consider the advisability of having a Second Chamber in the Provinces. It is a very difficult question to answer; it is difficult to come to any conclusion with regard to that matter without the necessary knowledge of the exact constitution of the Provinces. Perhaps it will not be very different from what we have at present. The only difference will be that, instead of having about 132 Members in this House, there will be, I suppose, 215 Members. *Perhaps we may miss the nominated* section in this House; the depressed classes, the classes which are represented by nominated Members now, will be represented by Members who will be elected by them. Whatever might have happened before, no student of Constitutional History will agree to the establishment of a Second Chamber in the Provinces. It is a different thing

to have a Second Chamber in the Central Legislatures. Even now we have a Second Chamber in the Central Legislatures and our experience has shown that the Council of State does not serve the purpose for which it was brought into existence under the Montford Reforms.

" The other question that I want to ask in connexion with this matter is what exactly is going to be the structure of the Second Chamber, what exactly is going to be its composition, or what powers will be given to it. So far as the construction of the composition of this House is concerned, we do not know whether it is going to consist of nominated Members entirely or whether it is going to be composed of elected Members only. The second question is what is the kind of electorate that will elect Members to the Second Chamber. If the Members are to be nominated either by the Premier or by the Chief Minister as he is called to-day, the disadvantages are obvious. After all, that House will be called upon simply to give its assent to the decrees that are passed by the Party in Power. There is no use establishing a Second Chamber of that nature, if the Members of that House are going to be nominated by the Governor himself. I do not know whether the establishment of such a Second Chamber is necessary. The arguments that were advanced in favour of the establishment of a Second Chamber by some hon. Members on the other side are that it will be a cooling Chamber, it will delay hasty legislation, it will prevent hasty legislation, and it will make it possible for the Lower House to reconsider the legislation if it is remitted to the Lower House. If it is to have a Conference or joint session of both the Houses, it will be possible for revising the legislation to the disadvantage of the persons that will be affected by that legislation. These are all the arguments that are advanced in favour of the establishment of a Second Chamber. Will not the Lower House itself be able to achieve the object which we seek to achieve by the establishment of a Second Chamber? I am sure that in the enlarged Councils it will be possible to have persons of experience, administrative and legislative, and whose experience will be of immense value in getting measures passed in this House without any defects. If there are any defects in any legislation, if we wish to revise them, or if we wish to delay a piece of legislation, we can provide for it by amending the Standing Orders suitably. We can delay the passing of a measure in respect of its third reading by a month or so. That can be easily achieved without the legislation going to the Second Chamber, at all. If the Second Chamber agrees with the Lower House, it will be unnecessary. But if it does not agree it will be mischievous and will create deadlocks and conflicts. The result will be that useful legislation will be delayed; very often useful legislation will be prevented. We must, by preventing the establishment of a Second Chamber, make legislation in the interest of the masses, possible. The existence of a Second Chamber will delay such measures and it will act detrimentally to the interests of the people. Of course it is a well-known fact that electorates

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are conservative and that the Lower House which is elected by the vote of the very extended electorate is bound to be very conservative and very careful in legislating. During the years that we have had the Legislative Councils, we have had no experience of a hurried legislation. With reference to the arguments that were advanced, as to the safeguarding of the interests of minorities and for that reason the necessity of establishing Second Chambers, I wish to say this much: that already, according to the Franchise Committee's recommendation, separate representation is to be given to all communities, and sufficiently large numbers of members from different communities will represent them in the House that will be constituted under the new constitution. The great danger that we should avoid in this connexion is this: To-day we find not only in the Legislative Councils, but also in the local bodies the attitude and the policy of nominated representatives of minority communities, are detrimental to the interests of the people. We have to avoid that in the future. Those representatives are chosen from a class which is not acquainted with the real interests of the people whom they seek to represent. On the other hand, they look to their own electorate, that is, those that nominated them. The nominted Members of the Chamber will always look to the orders that they will receive or the policy that is pursued by the person who appoints them to that Chamber or Body. They may be gentlemen of great experience or experts. They are, in a majority of cases, a danger to the community that they seek to represent. We have many cases, Sir, in front of us, and we know actually that gentlemen who claim to speak on behalf of the community do not really have that right to represent the interest of the community; on the other hand they act against and detrimentally to the interests of the community they seek to represent.

"Then, Sir, with regard to the argument advanced by my hon. Friend, Mr. Yahya Ali, that His Excellency's vetoing power will be used sparingly if we have a Second Chamber, I do not know if he meant that a Second Chamber is going to possess or is going to be given the power of veto or that it is going to have co-equal powers with the Lower Chamber. I am not sure whether it is likely in the constitution a Second Chamber will be given co-equal powers with the Lower Chamber. If it is going to possess co-equal powers, I do not know how that body will be able to veto the Lower Chamber's decisions. Even then also perhaps His Excellency the Governor will have to resort to his vetoing power.

"With regard to the cost of establishing a Second Chamber, in our country which is very poor, we have already seen that the establishment of even an enlarged Council under the Montford Reforms, has cost us over Rs. 6 crores more. And if we are now going to have a further enlarged Council I am sure the cost will increase; and if over and above that, we are to have a Second Chamber, surely it will cost us a good deal. I am afraid, Sir, our country is not in a position to pay for such a costly democracy.

" Then again, as regards the question of safeguarding the interests of zamindars, we have had ample proof of their power and influence—however small their numbers might be—in capturing Councils, not only the local bodies in the districts, but also the legislature of the province. They have merely to make up their mind to capture a body, and it is easily done. Therefore, they need not labour under any difficulty as to whether their representation in the legislature is going to be small or large. They can wield much power and influence in the Councils. They will have such power as long as we continue to be poor people and as long as we are amenable to all possible influences. Till then, Sir, they will continue to wield power whether they have sufficient representation in the Lower House or not. They need not be anxious to have a Second Chamber on that ground. Even the Simon Commission, Sir, has not made a definite recommendation in regard to this matter. They have decided against the establishment of a Second Chamber.

" Before I conclude, I wish once again to state that unless the Government tell us what exactly is going to be the nature of the Provincial autonomy that will be granted to us, and what the relation of the Provincial Government is going to be with the Central Government, we will not be able to come to a definite conclusion with regard to the utility or otherwise of a Second Chamber in a Province like Madras."

* Mr. W. K. M. LANGLEY :—" Mr. President, Sir, rising on the first occasion to address this House, I feel that I can claim the indulgence which I believe the House usually accords to a newcomer. I claim it more particularly on this occasion because unfortunately owing to illness, the leader of the group that I represent is unable to be present this afternoon, and therefore is not able to make the speech which I presume he was ready to deliver. I feel that I cannot allow the views—however ill I may express them—of my group to go entirely by default on this occasion, more particularly because I see that when the report of the Provincial Committee was debated in this House, my group by a majority was then opposed to the creation of a Second Chamber in this Province; but at that time my group also was very strongly opposed to any increase in the existing franchise. Since then, of course, the Franchise Committee has visited India and the franchise is to be very largely and materially increased. And that, in the opinion of the group I represent—and I venture to hope in the opinion of some others of this House—alters the position very considerably. In the circumstances, with a very wide franchise, such as we shall now be faced with in this Province, and until regular parties have been formed, and I fancy their formation will take a good many years, parties which act on really sound and well-defined principles not only from year to year but from generation to generation, such as the great parties that one knows of in other countries—until as I say such a situation arises, I venture to think that notwithstanding the humorous comments which were made by my hon. Friend, Mr. A. Ranganatha Mudaliyar, that it

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will be extremely difficult for men of standing—and here I wish particularly to emphasize that I do not refer solely to the land-owners; I hold no brief for the land-owners, I think they are well able to look after themselves—but I think there are many men whose opinion and whose lead will be very much wanted and the absence of whom there would be a great disaster—but who under a very wide franchise and until really sound party Government is created, will find it difficult to take their part and make their voices heard in the essential legislation of this Province. I will not attempt on this occasion to go into any great detail—I am not a constitutional lawyer, and the details of constitutional law are rather beyond me—so I am not tempted to cross words which such doughty opponents as my Friend, Mr. Sami Venkatachalam Chetti, for instance, or any other of the constitutional experts in this House; so I will merely put the case as I see it, for a Second Chamber on the broadest possible lines.

"In the first instance, I would suggest that surely it amounts to presumption for a Province in this country which is for embarking on and is on the very threshold of self-government, to boldly decide to do entirely—I apologize for the word, I believe it is suspect—without safeguards, which all other countries through many centuries have found so essential. In practically every country, as we have heard already from the hon. Sir Archibald Campbell, a Second Chamber is part of the constitution. And I venture to cite the case of the Mother of Parliaments, although about ten years ago the House of Lords appeared to have almost outlived its usefulness and it looked soon after the great General Election of 1906 as if the House of Lords might be entirely swept away, yet now I venture to state with some assurance that the House of Lords has never been so useful, has never been so strong or has shown such a wealth of ability in dealing with all matters that come before it as it is at the present time. Therefore, I say that for this Province of Madras, to assume that it can do without a method of delay and control—to us enabling people to form a more mature judgment—is to assume that it possesses much greater political wisdom and acumen than any other province or country in the inhabited globe.

"The second point that occurs to me is this. This House contains amongst its Members quite a large number of lawyers. I know many lawyers, and I have never yet met a lawyer that did not regard a court of appeal in the matter of his own profession as being a most essential thing."

Mr. Sami Venkatachalam Chetti :—"In order to make peace."

Mr. W. K. M. Langley :—"I do not feel capable of dealing with any interruption on this occasion. Nevertheless, my hon. Friend may have met lawyers who are absolutely satisfied to accept the final opinion of a jury or even a magistrate to start at the bottom. But, generally speaking, I think it is recognized that the court of appeal in law is a most necessary, though an expensive, piece of furniture. Well, if you find a court of appeal necessary in connexion with a legal matter, which 4-30 p.m.

usually affects only perhaps one individual or perhaps a small group of individuals, then surely, how much more necessary is a court of appeal when you are dealing with the destinies and the happiness of the citizens of a whole province such as this? Those are merely the two broad points which occur to me at the moment and as I have said, I do not feel competent at this moment to go into any great detail.

" The main arguments, as we see them, in favour of a Second Chamber are—

" In the first place, that the proposal largely to increase the franchise at once and to continue to extend it in the future until adult suffrage is reached, makes it necessary to have a body representative of experience and knowledge to act as a stabilizing factor.

" In the second place, most of the democracies in the world, including those which have come recently into being, such as Ireland, have been established on the basis of Second Chambers.

" In the third place, a Second Chamber makes it possible for men of political and administrative experience and ability, who are not able to enter the Lower House through the ordinary methods of popular electioneering, to be brought into public life or made available for public office.

" In the fourth place, without a Second Chamber the only brake on the Lower House would be the exercise by the Governor of his powers. This would be unfortunate and much friction might be avoided by a revising or Upper Chamber.

" In the fifth place, under the existing system of taxation, there is no doubt that the great landed and commercial interests pay a very large share of the country's revenue. It is therefore only right that they should have an opportunity of being represented in a Second House and of influencing legislation in a manner which might not otherwise be possible." (Applause.)

* Rao Bahadur R. SRINIVASAN :—" Mr. President, Sir, the benefit of a Second Chamber will be the protection of the executive from hasty action by the House since it will give the House time to reconsider its decision. Second Chamber means a second thought. It will be an antidote when there is a fear of unfair or unsympathetic treatment of minorities by the majorities. If it is to be of assistance to the minorities, the composition of the Second Chamber may be one-fourth of the number of the Lower Chamber: that one-fourth may be divided into four parts, of which one-fourth to be nominated by the Governor and these will be from men of experience who would not find it possible to get elected—and sometimes even great men are defeated at the elections. The other one-fourth may be elected from the Lower Chamber and the other half may be by election who may be representative of communities and other interests, such as capitalists, labour and so forth. If a Second Chamber is composed of such interests, I think, it will be of great use and there is no fear. There is no reason to fear that the

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landlords will dominate that Upper Chamber. In this House as it is composed at present, we find a great number from the land-owning classes. I dare say in the Lower House of the new constitution there will be a good number of the land-owning classes. So, there must be a check on them whenever they pass any legislation affecting depressed classes and agricultural labourers. This can be done only when we have a Second Chamber. A Second Chamber can be made a Chamber on which the minorities can rely as a safeguard for their interests. A Second Chamber may possibly be a substitute for placing too much reserve power in the hands of the Governor. It is not always that the Governor would be so moved as to quarrel with a Cabinet that represented a majority in the House merely to protect a minority which in his eyes might not be important. So, it is generally safer to rely upon a Second Chamber than relying upon the Governor for the exercise of his veto.

"There would be no difficulty to find the required material for a Second Chamber. For instance, Madras Province can surely find the necessary material for a Second Chamber. A Province which is ripe for self-government or Provincial Autonomy should have materials for a Second Chamber and be capable of protecting minority interests. Otherwise self-government is not worth having. There should therefore be a Second Chamber for this Province. If there be any objection at all, a trial may be given for a Second Chamber in this Province for a certain period, say, for a period of ten years. After that period, if the Second Chamber proves itself unworthy of the trial given, it may be abandoned. I think therefore there is every possibility in this Province of giving a trial for a Second Chamber. These are the two points which some of the Members have referred to. I need not say much about it, but I think, it will be a great safeguard for the interests of the minorities to have a Second Chamber."

* Mr. K. P. RAMAN MENON :—" Mr. President, Sir, in dealing with the question of the necessity of constituting a Second Chamber, speaker after speaker has dealt with the question as to what function the Second Chamber should perform. In dealing with the functions of the Second Chamber, its functions as to finances have not at all been thought of by previous speakers. A Second Chamber, if it is a elected body, would naturally claim equal rights with the Lower Chamber. Legislatures function in two ways, by legislating for the levy of taxes even in the Province where that legislature is set up and by appropriating such revenues for objects commending themselves to the people. With reference to legislative control, we may have any number of chambers, but with reference to financial control, it can be divided into two ways—taxation and appropriation. What is the position that the Second Chamber has to take in respect of these? Is it contemplated that a tax which commends itself to the eye of the Lower Chamber should be vetoed or in any way interfered with by the Second Chamber? If supposing a fresh taxation is sought to be levied, if such a scheme of taxation is adumbrated by the Lower Chamber, is that scheme to be

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held up by the Second Chamber? If so, for how long, that is a point that deserves attention. Can the Second Chamber be allowed to hold up such schemes?

" Now, if one considers the position of the House of Lords in England and the House of Commons there, every student of constitutional history knows that, so far as the taxing powers are concerned, the House of Lords does not do anything. Again, Sir, with reference to the appropriation of taxes—moneys which are raised by taxation—who is to determine the spending of it, on what department that ought to devolve, and in what proportion? Is it to be done by the Lower Chamber or is it to be done subject to the revision of the Second Chamber? Those points are very very important points and they touch the very fundamentals of Government. Are you prepared to allow the Second Chamber to interfere in these matters? If as a matter of fact, money is to be raised at the instance of the Lower Chamber, naturally it would like to spend the money according to its own programme and not tolerate any interference by the Second Chamber with powers as to how the money ought to be spent. This aspect, that is the financial aspect of the question, has not been sufficiently considered by hon. Members who preceded me and not even by the hon. Sir Archibald Campbell in the speech that he had made on the question. Will not a deadlock ensue in these circumstances?

" Then again, Sir, it is said that a Second Chamber is to act as a brake upon hasty legislation. I question the very statement as to hasty legislation. In this Province, has legislation been hasty ever? As far as my experience of this Council goes—I have got experience of the Council from 1913 with a break of a couple of years—my experience is just the other way. Taking a familiar instance, the Malabar Tenancy question, that question agitated us in Malabar ever since 1855 and it began to loom large in the Legislative Council before it was truly representative and even in the pre-reformed Legislative Council. It has been considered and considered. Commission after commission sat upon it and Indian Civil Service officers were deputed to consider the question and finally we had a Tenancy Improvements Act in 1887. Then again, that was found to be unsatisfactory and it was after some time repealed and another Act was passed in 1900 but the trouble was not over. Finally, there was a Bill introduced by the hon Sir Krishnan Nayar, when he was not a Member of the Government which was not accepted by the Government. After all these years of agitation, Government woke up and appointed a Committee to enquire into this question and finally an Act was passed in 1929. Now, is that hasty legislation? From 1855 onwards up to 1929, it took this Government to pass one wholesome piece of legislation.

" Now, Sir, with reference to the Marumakkattayam Bills, about which mention was made by the hon. Mr. Basheer Ahmed, most unfortunately, so as to give a handle to Mr. Yahya Ali to base his arguments on—his statement is extremely misleading—with reference

to the Marumakkattayam Bills and the agitation against Makkattayam, the agitation began before the year 1880. I remember it very well. When the Malabar Marriage Commission was going round the country and taking evidence,—I was quite a young man then—I well remember taking part in procuring evidence and adducing it before the Commission. It took ten long years to place a very modest Bill on the Statute Book brought forward by Mr. Sankaran Nayar as he then was in 1896. The agitation did not end there. The question still arose as to whether families should not be put on a more endurable basis. And then there was the Bill introduced by Sir Krishnan Nayar in 1910, and another introduced by Sir Vasudeva Raja. Those Bills lapsed. In 1913, I introduced Bills on the same subject. They lapsed. There was another Bill introduced by Mr. Prabhakaran Tampan when he was a Member of this Council. That Bill also lapsed. Finally legislation was possible only this year, just a few hours ago. Is this hasty legislation, I ask? If you consider the position from this point of view, I am afraid our legislation is much slower than legislatures elsewhere. I was reading a book with reference to this particular question, and I found the average duration of a particular legislation in the British Parliament was between fifteen and twenty years. We take much longer here generally, as I have shown. Why then should we accuse this Council of being hasty in the matter of legislation? Then again, what is the special check that the Second Chamber can afford with reference to hasty legislation? If they think that any legislation is totally bad, then, I believe this Council is not so bereft of commonsense as to pass a measure that is totally bad and absolutely unworkable. The function of the Second Chamber is thus practically nil so far as hasty legislation is concerned.

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"Then, Sir, it has been said that there may be practical reverberations of electoral contests, and passions may be roused among various sections of the people, and various agitations set on foot in the country. And the Lower House may lend itself to subordinating the public interests to such passions. I certainly think that such a contingency will never happen. My experience of this House,—and I presume the experience of other hon. Gentlemen of this House has always been the same,—is that it is very careful in formulating any legislation, and even in formulating resolutions. Our resolutions themselves are always very very timid and flat. So that there is no danger of any temporary passions leading us astray in those matters. Then, Sir, it is said that there are people, elderly people, who do not care to contest the elections, and this Second Chamber would enable people with much administrative or judicial or even worldly experience who perhaps may for varying reasons hesitate to contest elections to come in. But, Sir, is wisdom confined to them? It is not their monoply. There are many people likewise who though young can take the burden upon their shoulders and legislate for the good of the people. If there is any man so very eminent that he thinks it *infra dig* for him to contest

an election, leave him severely alone. Let him not thrust his wisdom upon us. That, Sir, is the natural position to take. If, on the other hand, it becomes necessary to enlist the services of these eminent men, there is provision now so far as the rules are concerned, and I believe there will be provision hereafter also, to have them appointed as experts when any special or particular question comes up before the Council. These estimable gentlemen may serve as experts and may be able to advise us on matters on which they are competent to speak. So that, the argument that to get at people whose services are necessary to the public and who perhaps do not care to contest an election, Second Chambers are necessary is also not entitled to any weight.

"Then, the further argument that has been urged is that for the representation of particular interests and communities, it may be necessary to have a Second Chamber. Now, with reference to particular interests, all that I can envisage is the interest of the landlord and the capitalist as against the interest of the tenantry and the labourer. Now, I need hardly say that I am a believer in the ability of persons who have behind them large resources of various kinds to manipulate the electorate and to get their representatives into the Councils, at any rate in sufficient numbers so that their interests will not go unnoticed. Again, Sir, what is the piece of legislation that has been rushed through in this Council which has in any way injured the so-called vested interests and the stake of the stake-holders in the land? As far as I am aware, the only legislation that has ameliorated the condition of the ryots, as far as I can remember is (1) the Estates Land Act and (2) the Malabar Tenancy Act. The Estates Land Act was passed so long ago as 1908, and notwithstanding the popular character of this assembly, at any rate the so-called popular character of this assembly, this assembly has not touched the Estates Land Act yet. The landlords' interests are sufficiently powerful to see that it is not touched. The landlords' interest again was very very powerful so far as the Malabar Tenancy Act was concerned. But thanks to various circumstances, we were able to pilot the Bill through, notwithstanding such influences as were brought to bear upon them. Hence it stands to reason to suppose that even those special interests do not suffer and are not neglected at the hands of this Council.

"Then again, Sir, if it is a question of capital and labour, do you for a moment suppose that a capitalist would not be able to protect himself? I cannot persuade myself to believe that a capitalist will be at the mercy of the Members of this Council. He will be represented more or less as has been pointed by the speakers before me on a franchise based upon property qualifications. Who are the electors who elect members to this Council? Their qualification is that they are paying a tax, either land tax or some other tax. Even the broadening of the electorate results in that; nothing more. This leaves me to meet one argument of my esteemed friend Mr. Langley. We come from the same place, and we have known each other very long. With

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reference to franchise he and his group think otherwise than they thought a few months ago. He says the widening of the franchise has made it necessary for them to revise their opinion on the question of Second Chambers. I fail to see how the widening of the franchise has anything to do with the Second Chamber at all. The only thing I see is that the widening of the franchise would perhaps make it difficult for anyone, except for a very rich man, to bribe the electors. That is the only thing I can see in the widening of the franchise. My experience has been, as Mr. Ranganatha Mudaliyar said, the wider the franchise and the more illiterate the voters, the more common sense usually prevails. I have always found that the illiterate voter possesses a profound common sense and is able to distinguish between his friend and foe. Thus the widening of the franchise has really no connexion whatever with the qualifications of the Members of this Council or the need for a Second Chamber.

"Another argument which was advanced by my hon. Friend, Mr. Langley, was this. Look at the institution of other countries, for example, England. He naturally asked 'Do you possess that amount of temerity which would enable you to go on ahead without having a Second Chamber notwithstanding the fact that in the Mother of Parliaments there is the Second Chamber, the House of Lords.' Now, Mr. Langley as anybody else must know that the basis of the House of Lords in the British constitution is quite different from anything that we can set up here. It is well known to all, at any rate to those who have anything to do with constitutional history that the barons were bound to be consulted by the King when anything was done which would affect their interests; and the first writs summoning a Parliament were issued I believe in 1295 the King summoned each baron by name, four squires from the countries and some representatives from the boroughs. That was how the first writs were issued. On the first occasion they met, they all met together, and then finally the House was bifurcated, the Lords, spiritual and temporal, forming one portion of the Legislature and the ordinary commons forming the other. Now, what has that to do with us, here? Is there any baron here who is by hereditary right entitled to be consulted in the counsels of the Empire? I can find no barons at all anywhere in India who are entitled to be consulted as His Majesty in England is bound to consult the barons there.

"Then again, if, as a matter of fact, you have the elective element introduced into the Second Chamber, how are you going to work it? Who is the electorate? Are the so-called barons of the Madras Presidency to elect their representatives? How many have we here to represent them? If the property qualification is insisted upon, the House will dwindle to very insignificant proportions. Are they to predominate in matters of State? So, I submit it is absolutely ridiculous to suppose that a small body of 20 or 25 should have a predominating voice in matters concerning the general well-being of the Presidency.

"Thus, so far as election is concerned, that is out of the question. Then if it is a question of nomination or combined election and nomination, who is the person to advise His Excellency on these nominations? Presumably the Cabinet. They probably will have a replica, under such circumstances, of the Lower House, a shadow as it were of the *sentiments of the Lower House which will function as the Upper House* and whichever party is in power will have their men nominated to the Upper House. And is that in any way an additional strength to the Government or the public? It is said that the Upper House would act as a buffer between the Government and the people. Now does the British Government really want a buffer between them and the people? I ask this question and want a plain answer, let there be no camouflage about it. If we are given enormous powers and if the House by a unanimous or a considerable majority vote passes any particular measure, does the Governor want any buffer between the policy initiated by the House and the policy, which perhaps was not the policy followed by the Government till then? I am sure no such occasion would arise. Even if it does, the remedy is in his own hands. If he thinks the House does not really reflect the opinion of the people he can dissolve the House and see if the new House agrees with the previous one. I submit therefore that none of these arguments is an argument which really compels us to come to the conclusion that there should be a Second Chamber particularly when we see the enormous cost that will be necessary to set up one guilded Chamber, composed, as I believe, of people who have much of wealth but very little of the qualities necessary for reflecting the opinions of the people at large."

* The hon. the PRESIDENT :—"Before I call upon the hon. the Raja of Bobbili to make his statement, may I ask the opinion of the House whether we should not vote upon this resolution? (Voices: 'No, no. We want to speak to-morrow' and 'vote.') I therefore call upon the Raja of Bobbili to make his statement."

VII.—STATEMENT BY THE HON. THE RAJA OF BOBBILI *IN RE*: THE CIRCUMSTANCES WHICH LED TO THE RESIGNATION OF THE OFFICE OF CHIEF MINISTER BY DIWAN BAHADUR B. MUNISWAMI NAYUDU.

* The hon. the RAJA OF BOBBILI:—"Mr. President, with reference to the statement made by Diwan Bahadur B. Muniswami Nayudu in the Council this morning, I should like, with your permission to place before the House all the circumstances which have led to the differences within our party and which ultimately ended in the resignation of Chief Ministership by Mr. Muniswami Nayudu.

"At the outset, I would like to point out that it was to the active help and support of the zamindars that Mr. Muniswami Nayudu owes his election as Leader of the Justice Party at the Nellore Non-Brahman Confederation. The zamindars have been evincing a keen interest in the welfare of the Justice Party right from the very beginning, and men like the Zamindar of Telaprole have not a little been responsible for the party starting under right auspices fifteen years ago. I do not

like to take the time of the House by detailing how the zamindars have been of great use to the party and how Mr. Muniswami Nayudu himself was utilizing the services of the zamindars for party purposes, touring with them in connexion with party organization and receiving financial support from them for party propaganda. After the general elections, he himself had stated to a number of people that the services of the zamindars to the party should be recognized and a place in the Ministry should be given to them. After being called to office, he became a changed man and dropped the zamindars altogether. To say, however, that the zamindars were nursing this grievance all the while and this was mainly responsible for the disaffection against him in the party is to mislead the public and, may I add, misrepresent the facts. The truth is that Mr. Muniswami Nayudu, during his regime as Chief Minister, gave an impression, which was confirmed more than once, by his own acts of omission and commission that he was working against the interests of the party in an unfair and unjust manner. I need only cite one instance to prove that the disaffection against Mr. Muniswami Nayudu was due, not so much to the zamindars, as to the other members of the rank and file. At the Trichinopoly District Non-Brahman Conference, Mr. Muniswami Nayudu will remember that there was a move for a no-confidence motion against him, which was, after some assurance, dropped. To pose, therefore, as the victim of the persecution of the zamindars and to represent that he resigned his Chief Ministership on account of them is, it will be clear, not fair or proper on the part of Mr. Muniswami Nayudu.

" Then Mr. Muniswami Nayudu wants to give the impression that, because he pleaded for the membership of the party being thrown open to all communities, some sections in the party regarded him as an unorthodox Justicite. This is also not correct. The members of our party will remember that it was the Raja Sahib of Panagal, our late leader, who wanted to remove the ban against Brahmans. Then, as now, there was an appreciable section in the Party which felt that the time was not ripe for such a change. The fact is that the question of widening the membership was not at all a main issue, not even a side issue, in the developments which have resulted in Mr. Muniswami Nayudu's resignation.

" It will be taking a good deal of the time of the House if I were to mention Mr. Muniswami Nayudu's administrative actions which have alienated the sympathy and support of many of the party men. No one wanted that he should 'misuse or abuse' the powers entrusted to him as Minister to suit party ends. The grievance against him was that while posing as the champion for widening the membership of the party to include all communities, he was perpetrating the worst kind of sub-communalism that would undermine the strength and influence of the party he was leading. In fair and just cases wherein he ought

have sided with his own party men, he has worked against them. If is is ‘ justice and fairplay to all ’ according to him, I can only say at the public conception of justice and fairplay must be quite different om his own.

“ I regret to note that Mr. Muniswami Nayudu has taken the ladras Estates Land Act Amending Bill as a convenient handle to rejudice the public mind against landholders. As a matter of fact, he Government measure does not touch the principles of the Act and nly seeks to correct the defects found in the working of the Act so as to ring the law into line with the latest judicial decisions. Mr. Muniwami Nayudu will remember that myself and the Kumara Raja of Venkatagiri discussed the Amending Bill for three days with him, and came to an understanding as to the amendments which should be opposed either in the interests of the tenants or the zamindars. But he has not kept to that understanding in the Select Committee. In the Select Committee, I can say without fear of contradiction, that the zamindar members have shown readiness to meet the tenants' point of view half-way and many amendments were agreed to by them without even being put to vote.

“ The very fact that we have been able to produce a unanimous report, except for one minute of dissent by Dr. P. Subbarayan, is sufficient to prove that the landholders have shown a spirit of accommodation. Subject to the condition that the rights to private property should not be violated, the zamindars are prepared to go to the fullest extent to ameliorate the conditions of the tenants. No doubt the Estates Land Act has been passed to safeguard the interests of the actual cultivator, but the real fact now is that the occupancy rights have been passing to the hands of a new class of tenantry who do not cultivate the land, and whose only interest is to rackrent the lands. Thus the original cultivators are being reduced to the position of undertenants and serfs. The duty of those who claim to be the champions of tenants should really be to create a better understanding between the zamindars and tenants, and not to create bad blood between them. But for the intervention of a third party, the relations between landholders and tenants have always been amicable, and the zamindars have always shown a policy of give and take. I do not see how the lot of the tenant has been improved by the recent agitation started in certain estates. On the whole, the only object of the promoters of the agitation seems to be the exploitation of the alleged grievances of the tenants for political ends, in view of the coming reforms. We are always ready to submit our case to an impartial committee to settle this vexed question once and for all, and we have made the suggestion to Mr. Muniswami Nayudu more than once. And yet Mr. Muniswami Nayudu says that the zamindars wanted to protect their interests as against those of the ryots.

" Then Mr. Muniswami Nayudu says that myself and my supporters moved a vote of no-confidence against him in the South Indian Liberal Federation executive meeting held on 31st July 1932. This is a terminological inexactitude. It was Raja Venkatarayaningar who moved a vote of confidence in Mr. Muniswami Nayudu on that day, and it was natural that those who did not have confidence in him should have tried to vote against the motion. At the meeting on 16th August 1932, the no-confidence move did not fail as Mr. Nayudu makes it out, but a compromise was arrived at, and a motion of confidence was carried almost unanimously. It was decided to leave the election of leadership to the confederation.

" Before I reply on behalf of my Colleagues, I would like the House to note one fact: that the Tanjore Confederation at which Mr. Muniswami Nayudu and his supporters played such an important part is conspicuous by the absence of any mention in his statement. Comment is needless, and the House can judge for itself the significance and the implications of such a palpable omission.

" Just prior to the meeting of the Justice Council party on the 3rd, a member of the party took Mr. Rajan to Mr. Muniswami Nayudu who appealed to him that he should not be sent out of office by means of a no-confidence motion, but that he should be allowed to get out gracefully. He suggested that he would announce his resignation voluntarily without the necessity of a no-confidence motion, provided Mr. Rajan made an appeal to the members of the party not to press the motion, and he should formally request him to resign even as they have done. When this was conveyed to the members of the party, they would not agree to this course unless a letter of resignation by Mr. Muniswami Nayudu of his office was put in Mr. Rajan's hands as an earnest of his promise to resign before the meeting actually took place. Mr. Nayudu accordingly gave the letter and the meeting was held. At the meeting, after Mr. Rajan's speech, Mr. Nayudu announced his resignation of office and gave an assurance that he and his supporters would remain in the party and work in the interests of the party. His offer to co-operate with us was certainly not conditional, as he wants to make out.

" As regards the charge of disloyalty against my hon. Colleague, Mr. P. T. Rajan, based on the fact that his name was being suggested for leadership, it may be mentioned that he did not set himself up as a candidate for leadership, but that it was the desire of many members of the party that he should accept the leadership when it fell vacant in consequence of the meeting of the Tanjore Confederation, which, unfortunately, as you are aware, Sir, ended without the election of a leader. Before he took part in the party meeting of the 3rd November 1932, he resigned his office, and was no longer under any obligations of loyalty to Mr. Muniswami Nayudu. This fact further indicates that he did not desire to cling to office.

[The Raja of Bobbili] [7th November 1932

" As for my hon. Colleague, Diwan Bahadur S. Kumaraswami Reddiyar, I have to state that at the Tanjore Confederation and thereafter, he was endeavouring along with several other leading members of the party to bring about a compromise and settled, as far as possible, the differences in the party. About the 1st November it became evident that there was no possibility of any settlement and the motion of no-confidence was given. It was not possible for him after that to be a mere passive onlooker, when a first-class issue so vitally affecting the interests of the party was coming up for discussion; and in order to enable him to participate in the meeting without any of the restraints which his continuance in office would impose on him, he resolved, on the 2nd November, to resign and informed His Excellency accordingly on that date.

" I have been authorized by the hon. the Home Member to state that, when a rumour was spread in the lobbies last week that the Legislative Council would be dissolved if the motion of no-confidence against Mr. Muniswami Nayudu was carried in the meeting of the Justice Council party, Sir Mahomed Usman, as the Leader of the House, had to contradict the rumour and characterize it as false. This seems to be the head and front of his offending so far as Mr. Muniswami Nayudu is concerned."

At this stage the Council rose for the day, to meet again at 11 a.m. the next day.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

APPENDIX I.

[Vide answer to question No. 368 asked by Rao Sahib V.I. Muniswami Pillai at the meeting of the Legislative Council held on the 7th November 1932, page 512 supra.]

Details of labour schools so far closed in Malabar district.

Name of school.	Reasons for the closure of the school.	Date of closure.	Strength. Depressed classes.	Others.	Total.
		Night Schools.			
* 1. Mannur ..	Unsatisfactory working ..	17th July 1931 ..	21	..	21
2. Chemancheri.	Do. ..	20th July 1931 ..	26	1	27
3. Beypore ..	Do. ..	21st July 1931 ..	23	4	27
* 4. Pattambi ..	Do. ..	Do. ..	33	..	33
5. Vengara ..	Do. ..	22nd July 1931 ..	31	8	39
6. Puzhathi ..	Do. ..	28th December 1931.	38	4	42
7. Azhicode ..	Do. ..	Do.	27	..	27
* 8. Velur ..	Closed as a result of the closure of the day school.	1st January 1932.	29	..	29
9. Olavakkot ..	Unsatisfactory working ..	Do.	22	..	22
		Day Schools.			
1. Perintalmanna.	Nearness to other schools ..	30th June 1931 ..	35	..	35
2. Nettur ..	Do. ..	1st February 1932.	48	..	48
* 3. Mannur ..	Unsatisfactory working and nearness to other schools.	Do.	28	12	40
* 4. Velur ..	Nearness to other schools ..	Do.	78	..	78
5. Varom ..	Do. ..	3rd February 1932.	55	..	55
* 6. Pattambi ..	Unsatisfactory working and nearness to other schools.	8th February 1932.	35	15	50
7. Panniankara.	Nearness to other schools ..	9th June 1932 ..	64	..	64
8. Peralam ..	Do. ..	30th June 1932 ..	47	..	47
9. Ramanthali..	Do. ..	Do. ..	46	..	46

* Combined day and night schools.

APPENDIX II.

[Vide answer to question No. 369 asked by Rao Sahib V.I. Muniswami Pillai at the meeting of the Legislative Council held on the 7th November 1932, page 513 supra.]

From the Adi-Dravida Mahajana Sabha, Malabar district, Cannanore, to the hon. the Home Member to the Government of Madras, Madras, dated Cannanore, the 26th June 1932.

It is a matter of serious concern to us that in the scheme of retrenchment proposed by Government, the Labour Department is considerably affected. In some of the districts of this Presidency the activities of the

department are minimized and in some others their activities are about to be abolished. As a result of this change of policy, many of the schools managed by the Labour Department are being abolished.

The depressed classes of Malabar—Pulayas, Nayadis, Paniyas, Kuruchiars and cobblers—do not lead lives of civilized men. They suffer under the curse of untouchability and unapproachability. Even public roads are not open to them in some places. In the rural areas they are regarded as slaves of the landlords. When lands are sold, custom lays down that the labourers attached to the soil are also to be treated as marketable commodity. In fact it is done, though it is not expressly stated. Instances are not wanting to show that a state amounting to slavery was actually recorded in registered documents a few years ago.

Agreeably to the views of the hon. Diwan Bahadur Sir M. Krishnan Nayar, the then representative of the general constituency in Malabar, Government sanctioned in 1925 the introduction of the Labour Department in Malabar. The late Rao Sahib P. V. Gopalan, M.L.C., was the Honorary Labour Officer. As the experiment of appointing a Labour Officer proved successful, paid officers of the Labour Department were posted to Malabar. Under their able guidance, the depressed classes felt that they had a chance of uplift. Scarcely was the hope raised in their minds, when this thunderbolt of a retrenchment proposal had given them a shock!

With a view to remove their economic and communal difficulties, special co-operative societies have to be organized. Industrial schools have to be established. Special handicrafts have to be developed. Moreover, most of the social difficulties of the community are of a special and delicate nature. A powerful Government department alone can safeguard their special interests. Steps have to be taken to sink wells for purposes of drinking water. In many centres schools have to be started. Regular colonies for depressed classes have to be organized. In each taluk a few selected pupils have to be given facilities for higher education. The distress of the Paniyas in places like Chavassery and Kannavam, is appalling.

Pupils of the recently abolished labour schools are admitted to the adjacent schools open to all classes. But it is doubtful whether many boys of the depressed classes take advantage of the neighbouring schools. If statistics are taken, it will be clear that the abolition of the labour school means practically putting an end to all chances of education to the community. Those who know the condition of Malabar will never plead for the abolition of these labour schools. Most of them are of a conservative type, quite content with their miserable lot. They will send their children to school only if good teachers play the roll of friend, guide and philosopher! In schools that receive aid from public funds, the depressed classes will not be refused admission, but it is almost a matter of experience that they will be given a step-motherly treatment. Labour schools like those at Mattool and Puzhathi prove beyond a doubt that only special schools will benefit the community. Even board

schools meant for the community did not flourish. These facts deserve special consideration at the hands of the Government. There is a real awakening in the community. Some of these members bring to the notice of the Labour Department their special grievances and social troubles. While Government have been maintaining special schools for rich communities like the Mussalmans, Mukkuvers and women in general, it is sad to reflect that they contemplate the abolition of schools meant for the depressed classes.

The Retrenchment Committee has proposed the abolition of the post of Labour Commissioner and the transfer of the duties of the Labour Commissioner to a Member of the Board of Revenue. The Revenue Board has to attend to multifarious functions. In the midst of their numerous duties, the Board will not be able to devote the required time and attention to the work of the Labour Department. The Revenue Board will gradually have to neglect this important piece of work allotted to it by the Retrenchment Committee. No retrenchment should be effected in the Labour Department. A lot of useful and progressive work has to be done for the depressed classes. All that would be shelved if Labour Department falls a victim to the proposals of the Retrenchment Committee. Under no circumstances should the labour schools be abolished. They are the foundation of the growth and prosperity of this down-trodden community. Our representation in local bodies and Legislative Councils should be effective. We should be afforded chances to acquire political power. Then alone will our troubles end.

Until our community is really progressing towards freedom and advancement, until our children realize the advantages of education and until other communities extend to us a hand of fellowship, it is our prayer that we should have the special protection of the Labour Department. We should not have schools in name—like those managed by the local bodies and private managers. We want really efficient labour schools. We want special colonies for depressed classes. We desire to develop our handicrafts and we pray for special schools to give us these facilities. We want funds to sink wells for our community. We want to educate our promising boys in high schools and colleges. In short we pray for the retention of the Labour Department to help us, to guide us, and to advance our cause.

Appendix III.

[Vide answer to question No. 377 asked by Sriman M. G. Patnaik Mahasayo at the meeting of the Legislative Council held on the 7th November 1932, page 519 supra.]

Extract from the Proceedings of the Board of Revenue, Land Revenue and Settlement, No. 830, *dated the 7th March* 1928.

With a view to financing the local boards evenly throughout the year, Government directed in G.O. No. 2636, L. & M., dated 23rd November 1923, that the local boards should be given a monthly credit of

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one-twelfth of the estimated receipts on account of the collection of cesses, etc., made on their behalf, the necessary adjustment of the difference between the amounts actually collected on their behalf and the monthly instalments paid to them being *adjusted at the end of each financial year.* The demand under ' land revenue ' and ' cesses ' is settled only at the end of each fasli and the ' ryotwar demand ' and ' cess demand ' are worked out separately once at the end of each fasli year—vide columns 35 and 36 of taluk register No. 12 and columns 58 and 59 of Jamabandi Return No. 3.

There is thus no means of ascertaining the true ' land revenue demand ' and ' cess demand ' for a financial year and the collections for a financial year cannot be apportioned in the true ratio. Government were therefore addressed to modify their orders in G.O. No. 2636, L. & M., dated 23rd November 1923, so that the provisional monthly payment of one-twelfth of the estimated collection of cesses in each year and the final adjustments might be based on the accounts of the *fasli year* instead of on the accounts of the financial year. In G.O. No. 5197, L. & M., dated 7th December 1926, Government accepted this suggestion and the orders take effect from fasli 1336. The last adjustment based on fasli accounts was made at the end of fasli 1332. In the intervening period, i.e., in faslis 1333, 1334 and 1335 when the adjustments were made on the basis of the accounts of the financial year, Collectors appear to have carried out the adjustments on wrong premises. The provisional monthly distribution of the demand in the ratio of Re. 1 to rate of cess per rupee was apparently adopted for purposes of calculating the amounts actually due to the local boards and for making final adjustments. This has resulted in large excess or under-payments for the following reasons:—

Cess is not chargeable on miscellaneous items of revenue such as penalties on encroachments, penal water-rate, sale of waste lands, etc. Moreover in the case of minor inams, cess is leviable on the full assessment and water-rate and not on quit-rent and water-rate which is included in the land revenue demand. The distribution of the total demand in the ratio of Re. 1 to rate of cess per rupee is far from correct. In Board's Reference No. A-1216/27-1, dated 12th February 1927, Collectors were therefore asked to report the net excess or deficit payments made to the local boards up to the end of fasli 1335 on account of the incorrect adjustments made during the three years referred to. The Collectors' reports show that a sum of Rs. 10·55 lakhs has to be paid to certain local boards and that a sum of Rs. 4·46 lakhs has to be recovered from certain other local boards.

Appendix IV.

[Vide answer to question No. 379 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 7th November 1932, page 522 supra.]

Name of the District Educational Council.	Grant sanctioned in 1930–31.	Grant sanctioned in 1931–32.
	RS.	RS.
Ganjam	2,38,110	2,32,039
Vizagapatam	2,58,617	2,30,537
East Godavari	1,56,757	1,45,177
West Godavari	1,38,933	1,46,563
Kistna	1,96,267	1,77,364
Guntur	3,29,432	3,20,109
Kurnool	1,29,203	1,12,518
Bellary	69,333	64,197
Anantapur	76,844	60,344
Cuddapah	1,41,814	93,809
Nellore	1,66,462	1,57,319
Madras	1,99,400	1,68,926
Chingleput	1,49,102	1,22,248
North Arcot	1,68,029	1,46,655
Chittoor	1,27,248	1,00,721
South Arcot	2,01,493	1,71,885
Tanjore	2,81,731	2,49,001
Trichinopoly	1,55,345	1,32,905
Madura	1,78,438	1,44,562
Ramnad	2,80,476	2,41,103
Tinnevelly	5,29,084	4,89,507
Coimbatore	1,41,273	1,08,954
Salem	86,794	70,625
The Nilgiris	52,888	45,134
Malabar	9,28,012	8,79,612
South Kanara	2,04,750	1,82,486

Appendix V.

[Vide answer to question No. 380 asked by Sriman M. G. Patnaik Mahasayo at the meeting of the Legislative Council held on the 7th November 1932, page 523 supra.]

Statement of the number of teachers trained in the Government Training School, Russellkonda.

Year.	Number.
1926–27	61
1927–28	66
1928–29	84
1929–30	83
1930–31	83
1931–32	70

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APPENDIX VI.

[Vide answer to question No. 388 asked by Swami A. S. Sahajanandam at the meeting of the Legislative Council held on the 7th November 1932, page 528 supra.]

(1)

G.O. Ms. No. 3806, Law (General), dated 20th October 1932.

READ—the following:—

G.O. No. 3454, Law (General), dated 20th September 1932.

G.O. No. 3687, Law (General), dated 10th October 1932.

From the Collector of South Arcot, No. R.C.A.-7-8183/32, dated 15th October 1932.

Order—Ms. No. 3806, *Law (General), dated 20th October* 1932.

In the circumstances reported by the Collector of South Arcot in his letter read above, the Government direct the issue of the following amendment to the notifications issued in G.Os. No. 3454, Law (General), dated 20th September 1932, and No. 3687, Law (General), dated 10th October 1932:—

Amendment.

For the date ' 15th November 1932 ' occurring in the notifications appended to G.Os. No. 3454, Law (General), dated 20th September 1932, and No. 3687, Law (General), dated 10th October 1932, the date ' 15th December 1932 ' shall be substituted.

2. The Collector is requested to publish the aforesaid notifications incorporating this amendment in the District Gazette as it is reported that they have not been published yet.

(By order of the Governor in Council)

V. N. VISWANATHA RAO,
Secretary to Government.

To the Collector of South Arcot.
,, Hon'ble the Chief Justice (with C.L.).
,, Board of Revenue, Land Revenue and Settlement.
,, Revenue Department.
,, Law (Drafting) Department with a spare copy.
,, Inspector of Local Boards and Municipal Councils.

(2)

Copy of letter from the Collector of South Arcot, R.O.C. No. A-7-8183/32, dated the 15th October 1932.

[Courts—Village panchayat—Chidambaram taluk and town constitution—G.O. Ms. No. 3454, dated the 20th September 1932.]

The Government in G.O. Ms. No. 3454, dated the 20th September 1932, sanctioned the constitution of a panchayat court for the village of Chidambaram (municipal) with effect from 15th November 1932 and the Revenue Divisional Officer, Chidambaram, was accordingly directed

to conduct the election in time. Notices have been issued fixing the election of the panchayatdars on the 15th October 1932. I find however from the District Gazette for September 1932 that the notification appended to the Government Order referred to above and sent for publication has not yet been published as it was received late from the Government. Section 9 (1) of the Madras Village Courts Act read with rule 9 of the rules framed under the above Act require that the constitution of a panchayat court should be notified before the election is held. So the election cannot be held on the 14th October 1932 and I have therefore directed the Revenue Divisional Officer to postpone the election to a date early in November. If the election is to be held in November the court cannot function from 15th November 1932 as required in the Government Order. I, therefore, request that the notification may kindly be revised to enable the court to start work from 15th December 1932 instead of from 15th November 1932.

APPENDIX VII.

[Vide answer to question No. 389 asked by Pandit Ganala Ramamurti at the meeting of the Legislative Council held on the 7th November 1932, page 528 supra.]

(1)

G.O. Ms. No. 2834, Law (General), dated 30th July 1932.

READ—the following:—

G.O. No. 3045, Home (Judicial), dated 7th December 1920.

From the Collector of Vizagapatam, No. R.C. 1393/32-A-2, dated 8th April 1932.

Order—Ms. No. 2834, *Law (General), dated 30th July* 1932.

In the circumstances stated, the Government accept the proposal of the Collector of Vizagapatam, that the panchayat court constituted for the village of Vizagapatam in the Vizagapatam taluk may be abolished. The appended notifications should be published in the *Vizagapatam District Gazette.*

(By order of the Governor in Council)

V. N. VISWANATHA RAO,
Secretary to Government.

To the Collector, Vizagapatam.
„ Hon'ble the Chief Justice (with C.L.).
„ Board of Revenue, Land Revenue and Settlement.
„ Revenue Department.
„ Law (Drafting) Department with a spare copy.
„ Inspector of Local Boards and Municipal Councils.

APPENDIX.

NOTIFICATIONS

I

In exercise of the powers conferred by sub-section (7) of section 9 of the Madras Village Courts Act, 1888, as amended by Madras Act II of 1920, the Governor in Council directs the abolition of the panchayat court constituted for the village of Vizagapatam in the Vizagapatam taluk of the district of Vizagapatam.

II

In exercise of the powers conferred by sub-section (3) *of section* 6 of the Madras Village Courts Act, 1888, as amended by Madras Act II of 1920, the Governor in Council is pleased to direct that a village court shall be established for the village of Vizagapatam in the Vizagapatam taluk of the district of Vizagapatam.

(2)

Copy of letter from the Collector, Vizagapatam, R.C. No. 1393/32-*A*-2, *dated 8th April* 1932.

[Courts—Village Panchayat—Vizagapatam district—Vizagapatam taluk—Vizagapatam— Abolition — Recommended—*Reference.*— G.O. No. 3045, Home (Judicial) Department, dated 7th December 1920.]

The Panchayat Court at Vizagapatam in the Vizagapatam taluk was constituted under the above Government Order, in the year 1921. The District Munsif, Vizagapatam, recently inspected the court and made the following note:—

"The way in which the Panchayat Court has been carrying on the duties causes despair if it would not at all mend its ways and pay due regard to the limitations of its powers and the procedure prescribed. There is persistency in bad work and an unwillingness to bestow any seriousness in the discharge of duty with a sense of responsibility. I recommend that the court may be abolished and I think no Panchayat Court is needed in Vizagapatam."

The Tahsildar, Vizagapatam, and the Revenue Divisional Officer also report that the work of the court is unsatisfactory and strongly recommended its abolition.

In view of their reports, I recommend the disestablishment of the court under section 9 (7) of the Madras Village Courts Act.

APPENDIX VIII.

[Vide answer to question No. 391 asked by Mr. Sami Venkatachalam Chetti at the meeting of the Legislative Council held on the 7th November 1932, page 531 supra.]

Extract from the wound register of the Central Jail, Bellary.

1. Convict No. 2795, Ramalingam.

A contusion with a small abrasion on the right scalp, the size of the contusion 2″ × 1″.

A small abrasion on the front half of the scalp 1/5″ length.

An abrasion on the forehead just above the inner end of right eyebrow, size 2/5″ × 1/5″.

A contusion on the right shoulder at its back aspect, size 2″ × 1″.

(Opinion). The injuries are of trivial nature.

2. Mallikarjuna Rao.

A contusion with a small abrasion on the back of scalp, size $2\frac{1}{2}''$ × 2″.

The lower lip is contused at its inner aspect size of the wound being $\frac{1}{2}''$ × $\frac{1}{4}''$.

A contusion on the upper part of back with an abrasion.

(Opinion). The injuries are of trivial nature.

3. Convict No. 2364, P. Satyanarayana Rao.

A contusion on the scalp, i.e., 2″ × 1″.

A contusion on the back aspect of right shoulder, 3″ × 1″.

A contusion on the left shoulder, $3\frac{1}{2}''$ × 1″ in length.

(Opinion). The injuries are of trivial nature.

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Appendix IX.

[Vide answer to question No. 401 asked by Mr. G. Lakshmana Reddi at the meeting of the Legislative Council held on the 7th November 1932, page 540 supra.]

Statement showing the number of persons convicted under the ordinances and other laws for offences connected with the civil disobedience movement and confined in the Central Jail, Bellary, for the various months from January to September 1932.

Months.	Under the ordinances.	Under the other laws.	Total.
1932.			
January	14	41	55
February	76	125	201
March	4	11	15
April	6	2	8
May	1	5	6
June	6	4	10
July	1	3	4
August	3	9	12
September	23	29	52
Grand Total ..	134	229	363

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Tuesday, the 8th November 1932.

The House met at eleven of the clock, Mr. President (*the hon.* Mr. B. Ramachandra Reddi) in the Chair.

PRESENT:

Usman Sahib Bahadur, *Kt.*, the hon. Khan Bahadur Sir Mahomed.
Krishnan Nayar, *Kt.*, The hon. Diwan Bahadur Sir M.
Campbell, K.C.I.E., C.S.I., C.B.E., V.D., I.C.S., The hon. Sir Archibald.
Stokes, C.S.I., C.I.E., I.C.S., The hon. Mr. H. G.
Raja of Bobbili, The hon. the
Rajan, The hon. Mr. P. T.
Kumaraswami Reddiyar, The hon. Diwan Bahadur S.
Abdul Hameed Khan Sahib Bahadur.
Ahmed Meeran Sahib Bahadur.
Alamelumangathayaramma, Mrs. K.
Annamalai Chettiyar, Mr. S. A. A.
Arasu, Mr. V. T.
Ari Gowder, Mr. H. B.
Basheer Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Bayappa Reddi, Mr. P.
Beyabani Sahib Bahadur, S. M. K.
Bhanoji Rao, Mr. A. V.
Birley, Mr. F.
Davis, Mr. J. A.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Duraiswami Reddiyar, Mr. K. M.
Ellappa Chettiyar, Diwan Bahadur S.
Foulkes, Mr. R.
Gopalaswami Mudaliyar, Diwan Bahadur M.
Harischandrudu Nayudu, Mr. A.
Hood, I.C.S., Mr. H. M.
Indriah, Mr. C.
Jagannadha Raju, Rao Bahadur G.
Jagannatham, Mr. H. M.
Jayaram Nayudu, Rao Sahib C.
Jones, I.C.S., Mr. C. E.
Kesava Ramamurti Nayudu, Mr. K.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
Kolanda Reddi, Rai Sahib C.
Koti Reddi, Mr. K.
Krishnamurti, Rao Sahib D.
Krishnan, Mr. C.
Kuppuswami Choudari, Mr. J.
Langley, Mr. W. K. M.
Madanagopal Nayudu, Mr. R.
Mahboob Ali Baig Sahib Bahadur.
Manikkavelu Nayakar, Mr. M. A.
Moses, Mr. P. C.
Muhammad Meera Ravuttar Bahadur, K. P. V. S.
Muniswami Nayudu, Diwan Bahadur B.
Muniswami Pillai, Rao Sahib V. I.
Murugappa Chettiyar, Diwan Bahadur A. M. M.
Muthiah Chettiyar, Mr. M. A.
Nachiyappa Gounder, Mr. K. A.
Nadimuthu Pillai, Mr. A. Pl. N. V.
Nanjappa Bahadur, Subadar-Major S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Mr. D. V.
Narayanan Nambiyar, Mr. V. P.
Natesa Mudaliyar, Rao Bahadur C.
Palat, Mr. R. M.
Parthasarathi Ayyangar, Mr. C. R.
Patnaik Mahasayo, Sriman M. G.
Pattabhiramayya, Mr. K.
Pattagar of Palayakottai, The
Peddiraju, Mr. P.
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Ramachandra Padayachi, Mr. P. K.
Ramalingam Chettiyar, Rao Bahadur T. A.
Ramamurti, Pandit Ganala.
Raman Menon, Mr. K. P.
Ramaswami Ayyar, Mr. T. S.
Ramaswami Mudaliyar, Mr. V. M.
Ranganatha Mudaliyar, Mr. A.
Ranganatha Mudaliyar, Mr. G.
Ranganatha Mudaliyar, Mr. M. D. T.
Rangaswami Reddi, Mr. M. B.
Sahajanandam, Swami A. S.
Sami Venkatachalam Chetti, Mr.
Sesha Reddi, Mr. B. P.
Shetty, Mr. A. B.
Singam Ayyangar, Mr. K.
Siva Raj, Rao Sahib N.
Sivasubrahmanya Ayyar, Mr. K. S.
Slater, C.M.G., C.I.E., I.C.S., Mr. S. H.
Smith, C.I.E., I.C.S., Mr. E. Conran.
Soundara Pandian, Mr. W. P. A.
Sreshta, Mr. M. S.
Srinivasa Ayyangar, Mr. T. C.
Srinivasan, Rao Bahadur R.
Sriramulu, Mr. G.
Stanes, Mr. F. J.

PRESENT—*cont.*

Subbarayan, Dr. P.
Subrahmanya Chetti, Rao Sahib P.
Subrahmanya Bhatt, Mr. U. C.
Sundara Rao Nayudu, Mr. T.
Syed Tajuddin Sahib Bahadur, Khan Sahib.
Thorne, C.I.E., I.C.S., Mr. J. A.
Vasudeva Pillai, Mr. V. G.
Vedachala Mudaliyar, Mr. M.
Venkatachala Reddiyar, Mr. K. C. M.
Venkatarama Ayyar, Mr. K. R.
Venugopal Nayudu, Rao Bahadur R. K.
Wright, Mr. W. O.
Yahya Ali Sahib Bahadur, Khan Bahadur.
Yakub Hasan Sahib Bahadur.
Zamindar of Kirlampudi, The
Zamindar of Mirzapuram, The

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Irrigation

Failure of water in Cauvery channels of Namakkal taluk.

* 407 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether he has enquired into the matter of failure of water in the Cauvery channels of Namakkal taluk in Salem district;

(*b*) if so, whether a copy of the report of the enquiry will be placed on the table; and

(*c*) if no enquiry has been made, what the reasons therefor are?

A.—(*a*) *to* (*c*) The attention of the hon. Member is invited to the answer given at the meeting held on 31st October 1932 to question No. 181.

Land Revenue Administration

Preference to military men in the matter of assignment of land on darkhast.

* 408 *Q.*—Rao Sahib V. DHARMALINGAM PILLAI: Will the hon. the Member for Revenue be pleased to state whether there is a Government Order that military pensioners and ex-service men should be given preference in the matter of assignment of land on darkhast on account of their loyal services and that they should be given five acres wet land or ten acres dry land?

A.—The attention of the hon. Member is invited to paragraph 10 of Board's Standing Order No. 15.

Residential qualification of village officials.

* 409 *Q.*—Rao Sahib V. DHARMALINGAM PILLAI: Will the hon. the Member for Revenue be pleased to state whether there is an order of the Government or of the Board of Revenue that all village officials should reside in the village of which they are in charge?

A.—The attention of the hon. Member is invited to section 7 of the Madras Hereditary Village Officers Act III of 1895, section

16 (2) of the Madras Proprietary Estates Village Service Act II of 1894, and paragraph 3 of Chapter I of Part I of the Village Officers Manual.

Prisons and Prisoners

Alleged deportation of Mr. Syed Fasil Pookoya Thangal of Mambram.

* 410 *Q.*—Mr. Abdul Hameed Khan: Will the hon. the Law Member be pleased to state—

(*a*) whether one Mr. Syed Fasil Pookoya Thangal of Mambram, in Koduvayur amsam, Ernad taluk, South Malabar, was ordered to be deported from Malabar;

(*b*) if so, what were the reasons for making such a deportation order;

(*c*) whether there were any conditions attached to the said order;

(*d*) whether the said deportation order passed against the said Syed Fasil Pookoya Thangal has been extended to his children and descendants;

(*e*) whether the Government had received any application from either the said Syed Fasil Pookoya Thangal or his children or descendants to allow them to return to Malabar; and

(*f*) if so, how the said applications were disposed of?

A.—(*a*) *to* (*c*) The hon. Member presumably refers to Syed Fasil Pookoya Thangal of Tirurangadi. He was suspected of being connected with a number of Mappilla outbreaks and proceedings were accordingly initiated against him under the Madras State Prisoners Regulation II of 1819. These proceedings were, however, dropped on the Thangal undertaking to leave for Arabia immediately with his family. No deportation order was passed.

(*d*) Does not arise.

(*e*) Yes.

(*f*) Government declined to allow the persons to return to or to visit Malabar as they considered that their presence in the district was likely to lead to a breach of peace.

Mr. Abdul Hameed Khan:—" May I ask the hon. the Law Member to kindly let me know what exactly are the charges that were levelled against this particular gentleman for the order against him? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" There was no order against him. As is stated in the answer to the question, he himself undertook voluntarily to leave Malabar and to go to Arabia, never to return."

Mr. Abdul Hameed Khan:—" May I know whether, if he now returns to India, he will be allowed to go into Malabar? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" No."

Mr. Abdul Hameed Khan:—" May I know the reason why? "

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The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" In the first place, there is no question of his returning to Malabar, as he left India nearly a century ago."

Mr. ABDUL HAMEED KHAN:—" Is he not alive? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" He could not be. If at all anybody returns to India, it must be his descendants who will not be allowed to go into Malabar."

Mr. ABDUL HAMEED KHAN:—" May I know the reason why his descendants will not be allowed? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Because it is considered dangerous to allow them."

Mr. ABDUL HAMEED KHAN:—" What is the danger? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" The danger of inciting ignorant and misguided Mappillas to rise in rebellion."

Mr. ABDUL HAMEED KHAN:—" How has the Government become aware of the fact that the children of a gentleman who went away from India about 150 years ago, will be dangerous to the peace of this Province? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Because it is in the blood."

Mr. ABDUL HAMEED KHAN:—" Has the blood been examined? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" It has been examined on several occasions."

Mr. ABDUL HAMEED KHAN:—" Who is the doctor that examined it? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" The Government."

Law and Order—General

Order of the District Magistrate, South Arcot, extending protection to the Adi-Dravidas of Mahathu Valkai to take out a procession.

* 411 *Q.*—Swami A. S. SAHAJANANDAM: Will the hon. the Home Member be pleased to state—

(*a*) whether the District Magistrate of South Arcot passed an order, L. Dis. No. C-4-472-38, dated 10th February 1932, instructing the local authorities to give protection to the Adi-Dravidas of Mahathu Valkai for taking their procession to Killai sea shores; if so, whether a copy of the order may be placed on the table of the House;

(*b*) whether the District Magistrate sent instructions to the District Superintendent of Police and Subdivisional Magistrate, Chidambaram, in the matter about the same time; and

(*c*) if so, whether a copy of the instructions may be placed on the table of this House?

A.—(*a*), (*b*) & (*c*) The attention of the hon. Member is invited to the answer to question No. 359.

Refusal to pass an order under section 144, *Criminal Procedure Code, against the caste Hindus of Killai and Panangadu villages.*

* 412 *Q.*—Swami A. S. SAHAJANANDAM: Will the hon. the Home Member be pleased to state—

(*a*) whether the Police Circle Inspector of Chidambaram made an inspection of the places, viz., Killai and Panangadu, before 21st February 1932;

(*b*) whether it is a fact that he reported to the authorities on 21st February 1932 that he was prepared to offer protection to the Adi-Dravidas while taking their procession;

(*c*) whether it is a fact that he invoked an order under section 144, Criminal Procedure Code, against the caste Hindus and others of Panangadu and Killai; and

(*d*) what the reason was for not passing an order against the caste Hindus?

A.—(*a*), (*b*), (*c*) & (*d*) The attention of the hon. Member is invited to the answer to question No. 360.

Order of the Subdivisional Magistrate, Chidambaram, against the Adi-Dravidas.

* 413 *Q.*—Swami A. S. SAHAJANANDAM: Will the hon. the Home Member be pleased to state—

(*a*) whether the Subdivisional Magistrate of Chidambaram passed an order in the evening of 22nd February 1932, the day fixed for the procession, against the Adi-Dravidas under section 144, Criminal Procedure Code;

(*b*) whether it is a fact that the public street of Killai Thaikal is used by all classes of people;

(*c*) whether it is a fact the deities of Sri Mushnam, Boovaragava Swami and Bootharajanpettai Perumal are taken along the public street of Killai Thaikal; and

(*d*) what the distance is between the mosque and the public street which was required to be used for the procession of the deity of the Adi-Dravidas?

A.—(*a*), (*b*), (*c*) & (*d*) The attention of the hon. Member is invited to the answer to question No. 361.

Mr. M. DEVADASAN:—"May I know, Sir, whether it was the Subdivisional Magistrate who passed the order purposely?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"The information is contained in the answer given by me the other day."

Mr. M. Devadasan:—" Is it not necessary that the Sub-Magistrate should take such matters into consideration first? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—" No, Sir."

Irrigation

The Thungabhadra Project.

* 414 *Q.*—Mr. G. Lakshmana Reddi: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether it is a fact that he had visited Hyderabad to discuss with the Government of His Exalted Highness the Nizam matters in connexion with the Thuugabhadra project;

(*b*) if so, whether the discussions have led to a final settlement on the subject;

(*c*) if so, whether the Government will be pleased to lay on the table a copy of the settlement; and

(*d*) the time by which the Government have determined to begin the actual operations to expedite the completion of the project?

A.—(*a*) Yes.

(*b*) No.

(*c*) The Revenue Member met the Members of His Exalted Highness the Nizam's Government at Hyderabad on Saturday, the 1st October 1932. The Hyderabad Government accept tentatively the proposal to construct a reservoir at Mallapuram near Hospet as arrangements can be made for the irrigation of a considerable area in the Hyderabad State from that reservoir, but suggest certain modifications in the project as prepared by the officers of this Government. It has been found impossible to irrigate any portion of the Hyderabad territory from the proposed reservoir at Pulichintala and the Hyderabad Government have put forward an alternative proposal to construct a reservoir near the village of Chintapalem in Nalgonda district of the Hyderabad State which will enable land of the Hyderabad State as well as land in the Madras Presidency to be irrigated from the proposed Kistna reservoir.

Arrangements are now under consideration to enable the Chief Engineer of the two Governments to make a joint technical examination of the proposals put forward by His Exalted Highness the Nizam's Government.

(*d*) The Government are not now in a position to fix any time.

Diwan Bahadur M. Gopalaswami Mudaliyar:—" May I request the hon. the Revenue Member to state at least approximately the time by which the proposals will be ready? "

The hon. Sir ARCHIBALD CAMPBELL:—" I regret that I cannot prophesy how much time will be required for negotiations with the Governments and for the preparation of the detailed plans and estimates and for the various other operations necessary before the proposals will be ready."

The Thungabhadra Project.

* 415 *Q.*—Diwan Bahadur M. GOPALASWAMI MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(*a*) at what stage the Thungabhadra Project stands;

(*b*) whether it is a fact that the hon. Member went to Hyderabad recently to have personal conversations with the persons concerned to expedite the project; and

(*c*) if so, what the result of these talks is?

A.—(*a*) Negotiations with the other Governments have not yet been concluded.

(*b*) Yes.

(*c*) The attention of the hon. Member is invited to the answer to the question No. 414.

UNSTARRED QUESTION.

Stamps.

Facilities for the purchase of Court-fee stamps at Devakottai.

416 *Q.*—Diwan Bahadur A. M. M. MURUGAPPA CHETTIYAR: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether it is a fact that the litigant public have to go to Tiruppattur sub-treasury for purchasing court-fee stamps for the use of the civil courts and for making civil court deposits; and

(*b*) whether the Government will take early steps for the location of the sub-treasury at Devakottai or make arrangements for the sale of court-fee stamps and the receipt of the civil court deposits at Devakottai itself?

A.—(*a*) & (*b*) The Government presume that question (*a*) refers to the public of Devakottai. They are not aware of the facilities now available there for the purchase of court-fee stamps, but are obtaining information on the point, and are enquiring into the feasibility of the suggestions made.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—ADJOURNMENT MOTION *RE* ENHANCEMENT OF WATER-RATES IN THE TANJORE DISTRICT.

Mr. K. S. SIVASUBRAHMANYA AYYAR:—" Mr. President, Sir, I beg leave to move—

'*That the business of this Council be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the publication of G.O. No. 1853, Revenue, dated 5th September 1932, levying water-cess at very high rates for irrigation of lands in the Tanjore district* '."

Mr. A. Pl. N. V. NADIMUTHU PILLAI:—" I second it."

* The hon. the PRESIDENT:—" Does the Government raise any objection?"

The hon. Sir ARCHIBALD CAMPBELL:—" I do not raise any objection, Sir."

* The hon. the PRESIDENT:—" The motion is in order, and I fix 4 p.m. to-day for the discussion of this motion."

III.—MOTION UNDER RULE 24-A *RE* ESTABLISHMENT OF A SECOND CHAMBER.

* The hon. the PRESIDENT:—" The discussion on the question of the Second Chamber will continue."

* Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—" Sir, I rise to support the motion that has been made by Dr. Subbarayan. There have been questions raised of a general character, and speakers who spoke on the other side mainly dwelt on the general considerations for the constitution of a Second Chamber in this Presidency. One was that in all constitutions we generally find a Second Chamber provided for. I beg to submit, Sir, that the speaker was not quite correct. So far as the post-war constitutions on the European continent are concerned, most of them do not provide for a Second Chamber. Those which provide for a Second Chamber have got special problems to deal with. They are mainly, Sir, States like Czecho-Slovakia where three or four nationalities are concerned, and there, throughout the European continent. there is no sort of special representation for the communities in the main legislature, a Second Chamber was found necessary. In all other constitutions which came into existence after the war in the European continent, there is no Second Chamber provided for. We have got the high authority of Professor Keith for the statement that even in the British Empire the tendency is for the Second Chamber to be dropped. Now, we are not dealing with British India as a whole. We are dealing with only the provinces which are only subordinate Governments of the Indian Empire as a whole. There will be some justification for the constitution of a Second Chamber in the Centre. But to say that we ought to have the same form of Second Chamber in the Provinces, I beg to submit, is without any reason whatever.

" Well, Sir, the objection which was raised that the minorities will have to be safeguarded by way of provision of a Second Chamber is again based on a misconception of the arrangements that are being made here to constitute the Provincial Legislatures. In the Lower Chamber itself we are providing for these minorities. In other countries, what is obtaining is that the Lower Chamber does not contain any special representation for minorities or special interests. So they provide a Second Chamber for the purpose of securing the representation of the minorities and special interests. Here, in the constitution of the legislature itself we find that special arrangements are made either by joint or by special electorates for getting representation for minorities and for special interests like agriculture, trade, commerce and things like

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that. Such being the case, there is absolutely no justification whatever for bringing into existence another body for securing representation for minorities and special interests. Those general considerations which have been mentioned do not apply so far as the Provincial Legislature is concerned here in India.

" Then, again, Sir, the hon. the Revenue Member who made the motion in this Council was very fair in summarizing the arguments for and against the Second Chamber. He mentioned that the necessity for a Second Chamber is felt where you have to deal with matters like change of the constitution, foreign relations and things like foreign trade. It is only for such purposes that the need for a Second Chamber is felt elsewhere. These subjects do not come within the ambit of the Provincial Legislature. Considering the subjects that have to be dealt with by the Provincial Legislature, there is absolutely no reason whatever for the constitution of a Second Chamber in the Provinces in India.

" Then, Sir, if we take the views of the people concerned, I beg to submit that non-official opinion has been mainly in favour of having a unicameral system in the Provinces. The Indian Central Committee of which our revered countryman, Sir Sankaran Nayar, was the distinguished head, came to the conclusion that there is no need for a Second Chamber except in the United Provinces. This is what they say:

'On consideration of the above facts we come to the conclusion that a Second Chamber in the Provinces is unnecessary at present and might give rise to practical difficulties.'

That is the considered opinion of the Indian Central Committee which was elected by the Indian Legislature. I may say that the predominant party in the country, namely, the Congress, was not represented in the Assembly. But, still the other parties which were in the Assembly and in the Council of State elected the representatives of the Indian Central Committee, and that is the conclusion arrived at by that Committee. Well, Sir, an All Parties Conference was convened to consider the Constitution for India. There also they came to the unanimous conclusion that so far as provinces were concerned the unicameral system was adequate. They said there is no need for a Second Chamber, and the Nehru Committee which framed the constitution as a result of the decisions of the All Parties Conference provided only for a Single Chamber in the Provinces. Then, when we come to our own Province, we find that even the Madras Government of three years back was in favour of only a Single Chamber. But, unfortunately, later on when the Franchise Committee came, there was a change in the personnel of the Government of Madras, and this Government seems to have thought that a Second Chamber would be needed. I do not know how many of the Ministers were parties to this recommendation and which of the Ministers. Apart from that, the Madras Government appointed a Committee of their own. It was a nominated Committee, and it was by no means an elected Committee. Even in a nominated Committee like that, composed of officials and non-officials, when the full Committee was in

session, the recommendation was that there should be only one Chamber. But later it happened that some of the members of this Committee were not present at a meeting, and a snatch vote was taken, we understand, and on that vote they seem to have come to the conclusion by a majority of one that a Second Chamber was necessary. So, when the full Committee was in session, that nominated Committee of officials and non-officials representing practically only one part of the House, namely, the Government block—I may say there was only one Member of the Opposition in that Committee and that Member also was put in very much later than the constitution of the Committee itself—even a one-sided Committee like that, when they met in full session, voted against
5 the constitution of a Second Chamber. Such being the case, I beg to submit that so far as non-official opinion in the country is concerned, it is wholly in favour of a Single Chamber for the Provinces.

"Then, Sir, as regards the purpose this Chamber is going to serve, it was said it was intended to stop hasty legislation. Mr. Raman Menon yesterday gave instances of the sort of legislation we have been used to, and I do not think there has been any complaint so far that we have been hasty in any legislation that has been passed by this Council.

"Then, it has been said that a Second Chamber will lead to much better looking into of legislation which is brought before it and it will bring to bear its expert knowledge on matters in issue. What is the experience of other countries with reference to this matter? Let us take the pattern which we consider ought to be closely followed in such matters, namely, the British Parliament itself. What is the case of the House of Lords? Whenever the Conservative Party is in power, it is always prepared to allow everything to go merely dotting the i's and crossing the t's and interfering in very few matters, if they interfere at all. But the moment the Liberal Party or the Labour Party comes into power, it becomes almost impossible for them to pass any decent legislation for which the Parliament itself was elected, and the question of ending or mending the House of Lords crops up. When the Conservative Party is in power, no such question arises. I put the question whether it is the intention of this House that we should impose on this Province a Second Chamber which will always stand by the Conservative Party or the zamindar party or whatever party may be in power holding opinions corresponding to those of Conservative Party. Will that not be a handicap to all progress in the country? That is the question we have to face in voting on this resolution. I hope nobody who has got the interests of the country and its progress at heart will give his vote in favour of the constitution of a Second Chamber after seeing clearly how it would affect the advancement of the country.

"With these words I have great pleasure in supporting the motion moved by Dr. Subbarayan."

* Mr. M. S. Sreshta:—"Mr. President, Sir, the object of the motion before the House is to obtain a free expression of opinion of the

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non-official Members of the House, as regards the necessity or desirability of having a Second Chamber. It is obvious that the Government of India finds great difficulty in arriving at a conclusion on this matter. It will be remembered that the Montagu-Chelmsford Report was decidedly of the opinion that a Second Chamber was not necessary. The Simon Commission was not definite on the point, there being no unanimity of opinion among the Members of the Commission, and the Franchise Committee sought refuge under the scope of the reference made to them and said that they would not express any opinion as to the desirability of a Second Chamber. I shall endeavour not to traverse the ground so ably traversed already by the previous speakers who have gone into all the aspects of the question; but I shall only deal with a few minor aspects of the matter.

" The hon. the Revenue Member has said in his speech that the possible functions of a Second Chamber would be to protect the interests of minorities. I suppose the other important function which the Second Chamber is expected to perform is to check hasty legislation. As regards this, so much has been said that I shall not weary you with any arguments of mine. It strikes me, however, that it is absolutely unnecessary to have a very expensive and cumbersome institution for the mere purpose of checking hasty legislation. The hon. the Revenue Member has said that, if we can suggest some other means of checking hasty legislation, we may do so.

" I come back to the other question of minorities. What is the object of the Second Chamber in regard to important minorities? The object is to correct any inequality of representation that there may be in the first Chamber. If every community has been duly represented in the Legislature, it strikes me that the necessity for a Second Chamber does not arise. But I wish to point out that, so far as the Indian Christian community is concerned, there has not been equality of representation. I congratulate my Muslim friends on having obtained 29 seats in this Legislature. (Mr. Abdul Hameed Khan: ' Thank you very much.') When committee after committee advocated a smaller number, the British Government said that they must have 29 representatives in this Council. Unfortunately the Indian Christian community which is very much divided in itself and is carried away by big ideas does not want to express its opinion on such small matters as representation in the Legislature. I say the Indian Christian community has been let down. We are a little more than half of the Muslim community and we get only nine seats as against twenty-nine for Muslims. Well, I congratulate the Muslims and I hope that the Muslim Members who have been always sympathetic to minorities would come to our help and see that we get our due proportion in the Legislature.

" I may remind the House that the Minorities Pact of the Round Table Conference allotted to us fifteen seats. They allowed a large number to the Depressed Classes, but the Depressed Classes were not

recommended for that number. Luckily for them, Mahatma Gandhi fasted. As a result, the Depressed Classes got back the number originally given to them. But we were left severely alone. No great soul has condescended to fast for us and we are left to ourselves. Whether we are given or not the number proportionate to our population, I am sure the Indian Christian community will sail with the nation; we are national. At the same time I make an appeal *ad misericordium* and say that our due number should be given to us. If the due number is not given to us you will provide an argument we can use for a Second Chamber which you all want to avoid. It might have been open to us to say that we have not been duly represented in the Legislature and there ought to be a Second Chamber. But I say it is not desirable merely for that purpose to ask for a Second Chamber. It strikes me the best way of correcting the inequality is not to add such a cumbersome institution as the Second Chamber but to correct the inequality itself. It is quite possible to correct the inequality. You may give us a few more seats, say, three to five seats. I think fifteen will be the number which we are entitled to get, and we will be satisfied. That is also the number fixed upon by the Minorities Pact. It may be asked how the number is to be given. I do not want to diminish the seats given for any other community, but I say the total number of seats may be increased by six. It will not affect the balance very much, but we will get our inequality redressed. I think, if this inequality is redressed, there will be no need for the Indian Christian community to ask for a Second Chamber. I put myself at the mercy of the majority and ask them to deal with the matter fairly and see to it that our grievance is redressed. When we are on the eve of getting a new constitution, it is not fair that any minority should be left alone or let down. When all other minority communities have got their rights, it is not at all fair that the Indian Christian community alone should be neglected. I wish some of the speakers would touch on this point. I am sorry that not a single Member of Council or Minister is present on the Government Bench. I hope that somehow what I say would reach their ears. I hope the Government will support my request, and I trust that the remarks which I have made will receive the attention that they merit when the proceedings in connexion with this resolution are forwarded to the Government of India."

* Mr. F. Birley :—" Mr. President, Sir, I shall endeavour to express as briefly as possible my community's point of view, as I understand it, on the resolution now before this House.

" The wide-reaching implications involved in the decision of this House on this important subject seem to me to make it necessary that members should endeavour for the moment to discord the pre-conceived ideas formulated by their respective parties and to take a view based on their own carefully formed convictions after taking into account all these implications.

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" The unicameral system based on adult suffrage is for all practical purposes the very hypothesis of democracy and it is to be borne in mind that it is proposed to increase the franchise at once and to extend it in the future until adult suffrage is reached.

" The Federal Units in other countries have to a great extent considered that Second Chambers are desirable, it may be noted en passant, but I am not prepared to admit that there has ever been a sufficiently close analogous case in the history of the world to enable one to argue the present case entirely on precedent. I would prefer to consider the case before us entirely on its own merits and I would like to make it clear, Sir, that my own views are essentially of a democrat—a cautious democrat, if you like, nevertheless a democrat.

" The opinions of consulting bodies during the recent discussions both in India and in England have been divided on the subject, but there has undoubtedly been a hardening of opinion in favour of a bicameral system since the principle of a greatly extended franchise has been more or less generally accepted.

" The people of all nations are greatly intrigued by the phrase 'Government by the people for the people' and if the wishes of the people could be transmuted into a pure and undefiled executive solely in the interests of the people how beautiful and how sublime would be the state of the people of a country so ideally governed. Your high-minded democrat invariably omits to take the human element into its reckoning and so, between his slogan and the execution of the ideals tersely expressed therein there is a wide hiatus which is itself the sire of the hackneyed phrase 'Safeguards.' The unicameral system based on a wide democratic franchise in order to be reasonably free from abuses—in fact in order to constitute a beneficent form of Government —presupposes a state of altruism which simply does not exist.

" By this time, Sir, I have no doubt that the House has decided that, whether I am a democrat or not, I am certainly a pessimist and that leads me direct to the point. I am decidedly pessimistic as to the prospects of success of a Government of this Presidency based on unicameral lines with a wide electoral basis and I favour a Second Chamber of men and women chosen not by such anachronisms as hereditary rights but by a small electorate with a high franchise qualification such as was outlined by the hon. the Revenue Member in his very comprehensive summary of the case. It seems to me that in its essentials the qualification should be based on experience, integrity and proved service to the community—Men who have held political, judicial or administrative office, who have been chairmen of district and local boards and municipalities, honorary magistrates and members of Syndicates of Universities, etc. There is generally a strong feeling against any form of nomination to the Lower House and it might therefore be well to suggest this special electorate as an alternative. The hon. the Revenue Member asked for opinions on the functions of a Second Chamber. My own view is that

if a Second Chamber is to be established at all and provided its composition is such as to command respect and authority, it should have powers almost if not quite equal to those of the Lower House. It may be objected that this would give rise to dead-locks, but provision could be made for these to be solved by joint sessions of both Houses which in the last resort would give to the Lower House a preponderating voice. The Upper House should have powers of initiating and revising legislation, of initiating and revising financial proposals and Ministers should be chosen from both Houses and should have the right of speaking in both Houses. A Second Chamber which is merely a delaying Chamber is not sufficient. Provided it is composed of people with ability and experience, it must be much more than merely a means of preventing hasty ill-considered legislations.

" It is clear from the report of the Federal Structure Committee that the new Provincial Legislatures will have very extensive powers given to them and sufficient is already known of the probable form of constitution of the future to form a basis for a decision on the general question as to whether the future Government of Madras should be unicameral or bicameral and I cannot help repeating the hon. the Revenue Member's fervently expressed desire that the House will give this question their most earnest and serious consideration and, I would add, free from all considerations of party based entirely on the paramount importance of a future stable and sound Government of the Madras Presidency."

* Rao Sahib V. I. MUNISWAMI PILLAI :—" Arguments have been placed before us against the constitution of a Second Chamber. The benefits which a Second Chamber would bring in its train are the primary concern of the future Legislatures. I do not think that the future Legislature that will come into existence in this Province as a result of the grant of Provincial Autonomy will in itself be a sufficient safeguard for the depressed classes. Taking the literary, economic and social position of the depressed classes and also the share they enjoy in the Provincial Services, I for a moment doubt whether the future Legislature by itself will be a sufficient safeguard for us. In the extracts placed before us under 'Arguments against a Second Chamber' I find it is stated, 'designed to benefit the mass of the people who have been the most neglected and whose welfare must be the primary concern of the future Legislature.' The new Legislature with such a large body is a new thing and I do not know how the Council will then act. A new constitution must be given all possible support to have its enactments well scrutinized and so the Second Chamber is necessary. Some time back pressure was brought to bear on us to change our view to bring out the famous pact known as the 'Poona Pact' according to which we are to get 30 seats in the future Legislature. But they forgot the point for how long we are going to enjoy the privilege of having these 30 seats in the future Legislature. I ask what is the period for which we are going to have these 30 seats? It may be for a year or ten years. Sir ... that pact it has been decided that electing a panel o

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candidates—I mean ' primary election '— should be only for a period of ten years, and this was agreed to due to the fast of Mahatma Gandhi. The Leaders of our party agreed to this proposal although the majority of the community did not like the short time-limit. My hon. Friend, Mr. R. Srinivasan, explained in detail the proportion of the various interests and the share which each of them is to have in the Second Chamber. In the Legislature there will be so many groups and although we may have 30 seats, each group will have a few of our members and it will not be possible to have concerted action. The Provincial Legislature, as a whole, will not be in a position to safeguard our interests. Therefore the constitution of a Second Chamber is most essential in the interests of the depressed classes. In support of my position I may just refer to one matter. The Municipalities and Local Boards Acts were brought into effect very recently and the elections to the local bodies are not yet over. But my hon. Friend, Mr. Moses, brought forward an amending Bill to reserve seats for the Indian Christian community in the panchayats and this was agreed to last week in this very House. Though the Poona Pact is a settled fact, what is happening around us shows that the essence of it has not been fulfilled and its full 11 a.m.
advantages conferred on the people who are clamouring for them. Under the circumstances I think it will be better if we have a Second Chamber at least for a time. We expect Provincial Autonomy and we do not know how far it will be a success in this Province. A Second Chamber will act as a check on hasty legislation that may be brought forward in the Lower House of the future and I am sure it will conduce to the interests of all concerned to have it. Some hon. Members on the Opposition have been indulging in remarking in season and out of season that nominated Members will at all times have to be in the good books of those who create them and will not have the courage to vote against them. But there have been instances in this House such as the voting on the resolution with regard to the Ramnad oppression when not even one nominated Member representing the depressed classes voted against the resolution although the portfolio in that connexion is held by the hon. the Home Member who generally recommends to His Excellency for the nomination of the members of the depressed classes. Such being the case, even if there should be nomination in the case of the Second Chamber, I am sure the Members who go there will serve the best interests of the community.

" One more point and I am done. In the list of those who are eligible for seats in the Second Chamber are fonnd chairmen of municipal councils, presidents and vice-presidents of district boards and senators of various universities. There is not a single member of the depressed classes holding offices as presidents and vice-presidents in the local bodies. So this rule must be relaxed if the depressed classes and other minority communities should find adequate representation in the Upper House. Among the local bodies, we have first the panchayat, then the taluk board and above all the district board. Rules and

regulations made by the panchayat or the taluk board are subject to verification and confirmation by the district board. Similarly I do not think the constitution of a Second Chamber will be against the interests of the various communities concerned. Even a country like England which has a long political history and much Parliamentary experience and which is inhabited by practically one community still thinks it advisable to have a Second Chamber. When such is the case, I do not see any reason why a Second Chamber for our Province will not work in the best interests of the people. For these reasons, I do not wish to support the amendment moved by the Leader of the Opposition."

* Khan Bahadur P. Khalif-ul-lah Sahib Bahadur:—"Mr. President, Sir, we Indians are conservative by nature and it is this conservatism that is responsible for our partiality for a unicameral system. Speaking for myself, I think that the conditions in our Province require a bicameral system especially in view of the constitutional changes that will be made. The Legislature under the new Constitution will not be similar to the Legislature that we have; here we have the nominated Members and the Government Members acting as a block as it were on hasty legislation that may be brought forward by this House. The coming Legislature will be a fully elected one and therefore the steadying influence of the nominated and the Government Members will be absent. Moreover, Sir, in almost all civilized countries the Legislature is bicameral. It cannot be said that the bicameral system is adopted to serve no purpose whatever. My hon. Friend, Mr. Yahya Ali, gave at some length the arguments in favour of a bicameral system. I have nothing more to add to what he has said except this, that in the peculiar conditions of India, with all these communal differences and communal feuds, it is absolutely necessary that we should have a Second Chamber. When we are initiated for the first time in the duties of responsible self-government, it is all the more necessary that we should have the steadying influence of a Second Chamber. But the Second Chamber should not be invested with such powers as would enable it to block the work of the Lower Chamber. It should have only so much power as would enable it to exert a steadying influence on the work of the Lower Chamber. As regards its constitution certainly all the minority communities should have special representation there. By minority communities I mean not only the Muslim community to which I have the honour to belong, not only the Indian Christian community, the depressed classes and the oppressed classes but every minority group in the majority community itself. There are what are called oppressed classes in the Hindu community besides the depressed classes. I urge that all these communities should have a strong representation in the Upper House in order that their interests may be properly safeguarded. After all is said and done, two heads are certainly better than one and a Second Chamber will add to the usefulness of the Provincial Legislature."

* Mr. V. M. Ramaswami Mudaliyar:—"Mr. President, Sir, the [illegible] country and especially of our

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Province has been before the public for a long time. If only we keep the issues clearly before our mind we will be able to come to a decision one way or the other. The present debate is confined to the desirability or otherwise of having a Second Chamber for this Province. Many of the arguments that have been advanced in favour of a Second Chamber seem to me to apply rather to the constitution of the Central Government and not to the constitution of the Provincial Government. Although I am not thoroughly convinced of the necessity of a Second Chamber even so far as the Central Government is concerned, I may for the sake of argument go to the length of conceding that a Second Chamher may be desirable or useful in the Central Government, but with regard to the Provinces I am far from satisfied that a Second Chamber is necessary or desirable. The question is whether a single Chamber is sufficient to carry on the legislative and other duties that may devolve upon the future Provincial Legislature. Considering the history of our Provincial Legislature, both past and present, we may take pride in saying that the Madras Legislature has if at all erred on the side of conservatism both in its outlook and outturn of legislation. The bogey of hasty legislation is raised whenever the question of a unicameral Legislature is broached. But the history of bicameral Legislature in countries where they exist shows that the Second Chamber far from acting merely as a check on hasty legislation has always acted as a clog in the wheel of progress. Applying the acid test of our experience to the Legislatures not only of this Province but also of other countries, the only question we have to decide is whether a unicameral Legislature will truly, justly and sufficiently reflect the opinion of the people. My hon. Friend, Mr. Birley, who says that he is an ardent advocate of democracy, thinks that a unicameral Legislature can never so truly and sufficiently represent the opinion of the people. He denies to the Lower House the wisdom, the experience and intelligence which he attributes to the Upper House. I am afraid he is arrogating too much to the Upper House when he says that all wisdom, practicality, intelligence and experience will be found only in an Upper House and not in any Lower Chamber such as ours. Do we not have in this House men of wisdom, men who are leaders of the people in their locality, men of great influence, and men who have taken a great part in the running of so many public institutions? We have been getting on quite well with a unicameral Legislature all these years and I do not see any reason why we should have a bicameral Legislature in the future. Any student of current political thought in the world will tell us that a bicameral system wherever it has been tried has been discredited very largely. Mr. Ramalingam Chettiyar spoke of the peculiar conditions of post-war Europe which necessitated the establishment of a Second Chamber in some countries. He particularly mentioned the case of Czecho Slovakia, a small country with different nationalities having conflicting interests, where a bicameral Legislature was deemed to be necessary.

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" Even in that country (Czecho Slovakia), I may be permitted to ing to the notice of this House that the bicameral system has been ssolved and to-day the basis of the constitution that was brought into ing is no longer in force, because the affairs of that country are in the ınds of a Dictator. I will not be true to myself if I do not mention to is House that already the public impression is that large Legislatures e merely waste of time and waste of public funds. That is the impres-ɔn that is abroad in the country. I do not for one moment say that at impression is in any manner justifiable. Waste of time and repeti-ɔn of arguments are necessary concomitants of democracy. But I ιink, Sir, that a further waste of time and a further repetition of guments, not in one House, but in two Houses will further add to ιe expense against which there is already a protest. I think that odern democracies are not well disposed to a bicameral constitution. rom what I see round about me, not only in our country but in other ›untries also, I must say that future Governments to be effective must ιtisfy three conditions, namely, the executive which is responsible to ιe Legislature must be such as to act with speed, to act with resourceful-ess and to act efficiently. Legislative Councils are necessary. But ll policies are enunciated not by the Legislative Council as a whole ut by a few members who are responsible for the running of the Gov-rnment and those policies are ratified by the Legislature of the land. ‹ook for instance at the recent question that has been before England uring the past few weeks. I am referring to the Ottawa Agreement. he Ottawa Agreement in which the entire world is interested either irectly or indirectly, has been before the British eye for some months ›ast. After all, the agreements have been concluded; the British abinet is seized of the matter; it decides upon a certain course of ction and the decisions are placed formally before the House so that hose decisions taken by the Government might be ratified. I am eferring to that instance to show that in all modern democracies, the endency is for those who are at the helm of the Government—who may ›e few in number—the few Ministers or Members of the Cabinet who ιre running the machinery of the Government for the time being, to ›e seized of certain matters; they take decisions and they subsequently ›btain the approval of the House in regard to those decisions. Demo-racy, which itself is on its trial, seems to swing back to a system in which a small set of people in whom large powers are vested are to act with speed, efficiency and resourcefulness, they of course being ulti-nately responsible to the Legislature.

" I would ask hon. Members of this House the direct question that this matter implies, namely, if the unicameral Legislature of the land is able to sufficiently reflect the opinion of the people at large, then what other purpose can a Second Chamber serve? I have already tried to meet the argument of my hon. Friend, Mr. Birley, that the Lower Chamber will not sufficiently reflect experience and wisdom. I think, Sir, we collectively as a House have age, experience and wisdom that

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he spoke of. I think I will not be true to my hon. colleagues if I do not say that the debates in this House either in the past or at present have always reflected maturity of experience and wisdom that will do credit to any Legislature, not only in this land, but in other parts of the world.

"There is one other argument which I want to advance, which, I think, has not been pressed upon in a direct manner by any previous speaker. My hon. Friend, Mr. Birley, said that in all countries where adult franchise is prevalent, the constitution inevitably postulates the existence of a bicameral system. As I have already said, that is a proposition to which we cannot assent, because modern democratic tendencies seem inclined to an executive, the small executive that will have to take speedy decisions upon matters of importance. Besides, Sir, in our own country, we have not got adult franchise; therefore the question of bicameral Legislature will not arise. I am putting forward this argument for this purpose, in order to show that in my opinion as the qualifications for franchise in this country have been fixed too very high—property qualification, educational qualification being insisted upon before a subject of a State can participate in sending his representative to the Council—the electorate are not the many but the few. Whatever force the bicameral system may have in other countries where adult franchise prevails, it has absolutely no force in our country where such high qualifications for voters are insisted upon. I would add a further argument against bringing into being a bicameral Legislature in our land. In a Provincial Government with regard to which alone this discussion, I take it, has been initiated, a Second Legislature will not serve any purpose as it will not consider questions of foreign relations, trade and other important matters which, I think, will be the special functions and within the scope of the Central Government. My hon. Friend, Mr. Muniswami Pillai, representing the depressed classes, has admitted that it was only for a time that bicameral Legislature might be necessary. I do not say that his fears are not justified. It may be that in the present state of our society, his fears may have some ground. But when larger and effective representation for his community has been secured under the Poona Pact, these fears cannot have any force under the new constitution.

"My hon. Friend, Mr. Khalifullah Sahib, has asserted that bicameral Legislature is necessary, but he has not advanced any arguments in its favour. The only argument he advanced was that the present state of our society requires bicameral Legislature; communal feuds and division of opinion exist in all countries. I do not think there is any country where differences of opinion do not exist. The next argument that he advanced was that we are new to responsible Government. That is an argument which, I do not think, requires an answer from me. As I said, the acid test is whether a unicameral Legislature will sufficiently reflect the opinion of the public, of the people at large. In my opinion, it will; therefore I support the amendment that has been

made that a unicameral Legislature would be effective and sufficient for the Provinces."

Mr. T. C. SRINIVASA AYYANGAR :—" Sir, two speakers this morning have afforded excellent evidence as to why the bicameral system should not be introduced. If there is one country in the world where, not political questions merely, but communal questions also ought to have a potent voice in the formation of the Legislatures or in the determination of policies, it happens to be this unfortunate country. The facts being as they are, we happen to take note of them and make arrangements accordingly and a unicameral Legislature will be a replica of the various interests. The very idea of a Second Chamber is for the purpose of acting as a check upon hasty legislation and upon introducing delay in the matter of further consideration of important matters or, in some countries, for the purpose of initiating important pieces of legislation which the other House on account of its size, on account of lack of adequately trained men and efficient men cannot initiate and which the Second Chamber alone can properly initiate. Hon. Members, Messrs. Sreshta and Muniswami Pillai, both have urged because their communities have not got adequate representation, 'let us take hold of that and put extra number of persons.' I am not here to criticise their views. It is their views that are entitled to respect in any system in which proportional representation for various religious denominations or for various interests is allowed. It is very proper that the desires of those communities are consulted and satisfactorily met. The remedy would be rather to redress the grievances by any arrangement by which the proportion can be altered or by a few more seats being added to the maximum number without disturbing the existing proportion; in this way, their feelings may be satisfied, and not by introducing this communal element elsewhere. Then, there will be two sets of Legislatures which are formed and supported on communal principles. What is the necessity at all for a bicameral Legislature, when the Provinces are yet to know what are the powers which would be entrusted to the coming autonomous Provinces? Is autonomy to be merely in name or autonomy in fact? Are the Provinces to have control over all the Government actions like the American States which form the Federal Government? Are only subjects to be divided—some Provincial and some Federal—on some basis analogous to the existing division of subjects though it may be somewhat different and though it may devolve larger powers upon us? Would the prior sanction of the Government of India be necessary? Is the veto of the Governor-General necessary? If they are to be provided, where is the necessity for a Second Chamber? Would it be a third wheel in the legislative machinery? I think the discussion itself is, in my submission, somewhat premature; unless we know where we are in the matter of powers, in the matter of inter-provincial relations, in the matter of relations between the Central Government and the Provincial Government, it

will be too early to say whether a single Chamber will not do and whether a Second Chamber also would be necessary. A properly constituted Second Chamber in a Province or a country where bicameral Legislature may be necessary, would be thoroughly useful and would add to the soundness of the administration and the Legislature properly functioning. On the other hand, a bad set of materials or inadequate materials from which the Second Chamber is to be drawn, may be an affair of danger rather than an affair of convenience. What is the proposal and what are the materials from which the members are to be drawn and what is the franchise? Would it represent expert knowledge? Or would it represent merely the collective conservative element of the various communities who will view with horror any proposal for a change? It is easy to draw such a set of members for the Second Chamber and make the two Legislatures a mockery. We have not got adequate materials from the reports. Even the Franchise Committee have left their conclusions in a state of chaos. The very idea of a Second Chamber seems to be fraught more with the danger of checking democratic progress than with the advancement of democratic progress. I support the amendment of my hon. Friend, Dr. Subbarayan."

"Mr. V. T. Arasu:—" Mr. President, at the outset, I should like 12-
to congratulate the hon. the Revenue Member for the lucid way in p.m
which he explained the case both for and against the establishment of a Second Chamber. In the concluding portion of his speech, the hon. the Revenue Member has put us a straight question. After laying down the purposes which a Second Chamber is expected to fulfil, he asked whether it is possible for a single Chamber to fulfil those purposes for which generally speaking Second Chambers are provided in other countries. The Bryce Committee which was constituted in England in the year 1918 to go into the question of the reform of the House of Lords produced a very good report, and I believe everyone of the hon. Members of this House would admit that it is an authoritative pronouncement on the problem of the constitution of Legislatures. Sir, the Bryce Committee has set forth the purposes which a Second Chamber is expected to fulfil.

"The most important of the purposes which have been elaborated by the Bryce Committee are as follow:—The first purpose which a Second Chamber is expected to serve is the examination and the revision of Bills of the Lower House. The second purpose is initiation of special non-controversial Bills. The third is interposition of delay to enable the voice of the electorate to make itself felt; the fourth is discussion of large and important questions such as those of foreign policy which may require discussion in a calmer House free from the trammels of party organization. The fifth is representation of certain interests which do not find adequate representation in the lower House and the sixth is that it is possible that first-rate men may not care to seek election in a large electorate consisting of all and sundry, and therefore only a

Second Chamber can attract first-rate men. These are the six important purposes which a Second Chamber is expected to serve according to the Bryce Committee.

"I will now take up these six purposes and examine them one by one and point out whether they cannot possibly be served by a unicameral Legislature.

"The first purpose is: the examination and revision of Bills of the Lower House. Experience of the working of Second chambers in all countries of the world shows that no Second Chamber has been effective in the matter of the revision of the Bills coming up for discussion. If it is a question of financial Bills, it must be admitted that no Second Chamber has any power worth the name to revise financial Bills. Even as regards ordinary legislation, we must admit that excepting perhaps the Senate of the United States of America, no other Second Chamber does that function effectively. I shall confine my illustrations to the Second Chambers in the British Commonwealth. If we take, for instance, the Second Chamber in the Dominion of Canada, we will find that the Senate is practically an impotent body which dare not revise any measure that is passed by the House of Representatives in the *Dominion of Canada. For, as you know, Sir, in the Dominion* of Canada, the Senate is entirely nominated—all the 96 members of the Senate are nominated. Therefore, they dare not go against the wishes of the Lower Chamber.

"As regards initiation of special non-controversial Bills, experience shows that no Second Chamber in the world has till now taken upon itself the power of initiating any legislative measures of a far-reaching character of its own accord. The only instance of a Second Chamber *which has concurrent powers of legislation, is the Standerat of* Switzerland.

"The third purpose which has been laid down by the Bryce Committee is perhaps the most important and deserves to be examined at some length. That is, the interposition of delay to enable the voice of the electorate to make itself felt. Perhaps this argument might have been effective some years ago, when we had not the means by which public opinion could express itself without any avoidable delay and make itself effectively felt. But now, Sir, with the advance of education and the organization of the Press and the platform, public opinion has been enabled to express itself and make itself effectively felt by the Members of the Legislatures. Therefore, when once public opinion is able to express itself and give a mandate to the Legislature, I for one fail to understand why there need be any delay and why for the interposition of that delay an additional Chamber is necessary. A single Chamber can interpose delay—if any such delay is necessary by means of self-imposed checks. The standing orders may be so framed as to prevent hasty legislation. It may be provided that between the first, second and third readings, at least six months should lapse. By the

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provision of such standing orders, it is possible to check hasty legislation and to enable the voice of the electorate to make itself felt.

"The fourth purpose, viz., the discussion of large and important questions, I believe does not concern us at all, for as far as I am able to foresee, the Provincial Legislative Council will not be given the power of dealing with foreign policy.

"As regards the representation of certain interests which do not find adequate representation in the lower House, it has been pointed out by more than one hon. Member of this House who preceded me that practically all interests and communities are represented in the single Chamber that is now proposed. Therefore, Sir, where is the need for providing any further special representation in the Upper House?

"Finally, the argument that first-rate men will not care to contest the elections and enter the Legislative Council, is unfounded. It is suggested by those who hold that view that there is a special breed of public men who will not enter legislatures constituted with very large electorates, that you will get only fifth-rate or sixth-rate men to enter it, and that first-rate men would not care to enter it. I would draw the attention of the House to a very important pronouncement on this matter by no less a personage than Woodrow Wilson who was President of the *United States of America*:

'If these best men are not coming, it is because our system of Government fails to attract good men by its price, not because the country affords or could afford no finer material.

'There is not a separate breed of public men reared specially for the Senate. It must be recruited from the lower branches of the representative system of which it is only the topmost mast. No stream can be purer than at its source.'

"From this hon. Members would realize how it is from the lower strata of society that we have to get the so-called first-rate men. If you are going to despise these people and say that the so-called first-rate men should be provided with a separate gilded Chamber, we can as well scrap all forms of representative institutions.

"I shall now examine the principles which are usually observed in the constitution of a Second Chamber and point out how it is impossible to construct a proper Second Chamber. Different principles have been followed in different countries, but they may be summarized as follows: The first is the principle of heredity. 'Of such chambers, the British House of Lords is perhaps the foremost and the pre-war Hungarian Table of Magnates is also a notable example.' But this principle, viz., the principle of heredity, is rather a survival of the past and has not been followed in any of the new constitutions and so it can now be hardly counted among the methods requiring to be seriously considered. In the words of Leacock, 'the idea of hereditary legislature is as absurd as a hereditary mathematician or a hereditary Poet Laureate and is as inconsistent as that of hereditary judges.'

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"The second principle in the constitution of a Second Chamber is nomination for life or for a limited number of years. The first, viz., *nomination for life is adopted in Canada, while the second has been* adopted in Newzealand, where the Second Chamber is called the Legislative Council and the Lower the House of Assembly. In Switzerland, the members of the Legislative Council are nominated for seven years, but in either case the plan of nomination is not commended; for, members seem to be nominated for party reasons, to reward the supporters of Government. The result has been that on account of the virtual impotence of the Second Chamber, the nation has, as a matter of fact, got more a Single Chamber Government than really a bicameral system. The experience of Canada has been that the Second Chamber is merely a party instrument by which the party that has been defeated in the polls still succeeds for some years in getting an advantage over its opponents. Again, by the very nature of things, nominated members cannot be expected to make any display of their courage or independence in thinking and voting. And this danger is all the greater when the tenure is only of a short duration. It may be asked whether nomination has not got any point in its favour. The reason why nomination has been advocated is that popular election does not usually result in the return of the ablest men of the nation, and by this door of nomination, we can introduce persons of eminence and who can never enter by election. This will be all the more valuable when we aim at
2-30 p.m. constituting a Second Chamber by securing persons of weight, but in spite of these advantages, it remains true that a nominated Second Chamber will always be weak and cannot act as a counterbalancing force to the popular elected House.

"The third principle adopted in the constitution of Second Chamber is indirect election. The best example of the constitution of a Second Chamber by means of indirect election is the French Senate. In federal countries particularly, members of Second Chambers are elected either by the State legislatures or by means of electoral colleges. This method of indirect election has had some important points about it. It gives us a branch of the Legislature which is removed from immediate popular control, and at the same time we have also the introduction of a principle more consistent with principles of democracy. We have a body differently constituted from the lower House and a better grade of men would be selected if the election were made by a relatively small body elected by the people . . ."

* The hon. the PRESIDENT:—"Is the hon. Member reading out a written speech?"

Mr. V. T. ARASU:—"No, Sir. These are some of the principles usually observed in the constitution of Second Chambers. As I have already explained these principles do not enable us to constitute a proper Upper House. They are all defective and no country has till now established a really effective Second Chamber. When that is so,

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I fail to see why this Province, of all others, should establish a Second Chamber. Second Chambers have been adopted by practically all the States in the Commonwealth of Australia. But if one reads the history of the Legislatures of these countries, one cannot but come to the conclusion to which I have come. For, the disputes between the two legislative chambers in the several colonies of Australia have been neither infrequent nor insignificant and have been most bitter in the Upper Houses which are constituted on an electoral basis. On this point the testimony of the late Bernard White was unequivocal. In the Province of Victoria specially, after a prolonged experiment, they have given up Second Chambers, because they found that the conflicts between the two Chambers were so bitter that they could not transact any business. Therefore, Victoria has now abolished its Upper House. Sir, practically all countries which have adopted Second Chambers have come to the conclusion that there is much truth in the dilemma propounded by Abbe Siyes that if the Second Chamber is going to be merely a body which dissents from the first, it is mischievous and if it agrees with it, it is superfluous. In any case, a Second Chamber is unnecessary for this Province."

* Sriman M. G. Patnaik Mahasayo:—" Mr. President, Sir, this Council is getting on very well without a Second Chamber all these years. Now, the question is, why should we require a Second Chamber. The answer suggested is that without it there will be no steadying force. That is the position that we have to consider. Will the elected members who are going to get into the Council be such as require control by some persons outside, or will they on account of their excitement or enthusiasm or impetuosity wreck the Council and adopt hasty legislation? Hasty legislation means ill-considered or thoughtless legislation. I think there is no point in that at all. Though, no doubt, to some extent the official block exercises some steadying influence, still I think the persons who are members of this Council are not persons with hot blood, but they are persons with ripe experience and also persons who have come into contact with the common people and know their difficulties; and there is no reason to suppose that worse people will be returned hereafter if an autonomous Government is constituted. Therefore, there is no reason at all to predict that this House will consist in future of members who will be actuated by impetuosity.

" Another point on which I will lay special emphasis is that so far as the Province of Madras is concerned, it was always the citadel of conservatism. People in this Province are not at all emotional and they are always sober. Of course there may be necessity for steadying influence in some other Provinces, but so far as our Province is concerned there is no necessity for such steadying influence.

" Again, Sir, the scope for legislation in the Council is very very limited. We have got rules and regulations which provide for several stages to be passed through. When such is the case, I do not see why

we should expect that there will be any impetuosity at all or hasty legislation. In the first instance, sanction has to be obtained; then there should be publication and even if the House approves of the legislation, it has again to obtain the sanction of the Governor and the Governor-General. I do not see how there can be any hasty legislation at all.

"Then, it is argued that persons who have got some experience as administrators and others might not seek election and that therefore a Second Chamber should be created for them. I differ from that opinion. For, if really such people wish to serve the country and have got energy enough left in them to serve the country, they will certainly seek election and then there will be no difficulty for them in getting into the Council in the usual way. Simply because some people do not care to come out successful in the usual course, you should not ask for a Second Chamber. Even so, it is not stated that all the members constituting the Second Chamber should be nominated, but on the other hand, it is said that those people should be elected on a high franchise. Does it mean that these people who wish to get elected have to take the trouble of standing for election? In that case, absolutely no purpose will be served by trying to get men who do not wish to get in at all. On the other hand, the creation of a Second Chamber will serve the purpose of certain vested interests, as is clear from the speeches made to-day and yesterday. Therefore, if these people who represent the vested interests want to have a Second Chamber in order to override the powers of the lower Chamber, I think it is bad. If they want to check legislation for a short time only, no useful purpose will be served by such a Chamber. Moreover the constitution of a legislature is such that the best interests of the largest number are served thereby. Now, we find certain people want to have a Second Chamber, not for the good of the largest number but for their own sake. Such a thing should never be countenanced, because the principle of a legislature is that the greatest good to the largest number should be secured. If only for the good of a small number of people, however rich they may be and whatever stake they may have in the country, they want a Chamber of their own, it cannot be done. Moreover, simply because the official block is going to disappear in the lower Chamber, it should not be reproduced in the other Chamber either by nomination or by election. The proposal practically comes to this, that in the Second Chamber the decrepit avatar of the official block will appear, and we will not have the energetic officials there, but only the decrepit officials who have retired from service. Such a thing should not at all be tolerated. Those who want a Second Chamber do not seem to trust either the electorate or the elected, but it seems they want to trust only the electorate of their own class or persons nominated by some officials. That is derogatory to all democratic principles. Yet, we find the very persons who advocate the Second Chamber coming forward to lead the ordinary people.

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" With regard to the other question that was discussed that some ommunities are not given sufficient franchise, I think they may be given such franchise as would help them to get into the lower Chamber. As for Christians, it is said they may not have sufficient temptation and here is no reason why their representation should not be made better han is at present.

" Another question raised by my hon. Friend, Mr. Muniswami Pillai, s that, in spite of the fact of his community having sufficient representaion in this Council, they fear they will be swamped. But, I think hat whatever be the strength of their representation in the Council, yet they will be in a minority always. Therefore, they must depend upon the goodwill of other people. Now, the Poona Pact has secured he most excellent thing for them and I am sorry that that has not been eferred to here. It is not the number of people that get into the Council that has to be considered, but the fact that the high caste people will go to these depressed classes to seek their vote.

" I think in that way the so-called depressed classes will be raised socially. That is a great advantage to them, more than any representa- 12.45 p.m. ion in the Council. Of course, the depressed classes will not be able o carry any resolution by themselves in the Council except with the assistance of others. Now, they have got this advantage and they will be treated as equals by the high class Brahman also, which is a great advantage to them.

" Then, Sir, the Zamindar of Mirzapuram stated yesterday that the Second Chamber must be better than the First Chamber because second houghts are better than first thoughts. I would only agree with him f he would also agree to the statement that the second son should be considered better than the first son and, if so, I would ask him whether he would agree to the law of primogeniture being abolished."

* Rao Bahadur C. NATESA MUDALIYAR:—" Mr. President, Sir, I have nothing to say, since my hon. Friend, Mr. Patnaik, has already stated what I wanted to say. I am extremely sorry for the fear entertained by the representatives of the so-called depressed classes. I do not know whether the Second Chamber will be of any use to the minority communities. In fact, as contemplated in the Franchise Committee's Report, extracts of which have been given to us, I think it will be disastrous to the minority communities because it consists of people of heredity, of wealth, of administrative eminence and all those things. Is there anybody from the depressed classes that may be drafted into the Second Chamber? No. It will be a disastrous thing if depressed class people accept such a proposal for Second Chambers. I request my hon. Friend, Mr. Muniswami Pillai, to support Dr. Subbarayan's amendment. If he really wants that the claims of the depressed classes should be upheld by a Second Chamber, I would agree to the Second Chamber being formed by means of an electorate which is much more

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democratic than the electorate which sends members to this Lower Chamber. That would be a real Second Chamber, as it would be elected by a more democratic electorate, and of course it will give us the advantage of second thoughts as stated by the Zamindar of Mirzapuram. But, when we have a Lower House which represents the will of the people, there is no use in having another House which may destroy the will of the people. They say the Government block is a check over hasty legislation. Taking the resolutions that were passed in this Council by the non-official members alone, may I ask how many were hasty ones and over how many the Governor has exercised his power of vetoing? None. In fact I am of opinion that even the Governor should not have vetoing power. But in such cases under extraordinary circumstances, in the coming Reforms, let there be some vetoing power vested in the Governor; it is only for use in extraordinary circumstances when something happens to the depressed classes or other minorities. Otherwise even the Governor should not have that power of vetoing. So let not Mr. Muniswami Pillai be afraid of tyranny of the depressed classes. Let not the depressed class representatives think that their interests will not be fully protected on account of two thousand years of tyranny. They seem to see a bear in every bush. Now we are all agreed, Hindus, Muslims, Europeans and everybody, that depressed classes must be protected. So, my hon. Friend, Mr. Muniswami Pillai, need not be under any apprehension on that account. The number secured by the depressed classes, that is, 30, in the new Council is quite enough to make any Minister consider the claims of the depressed classes favourably. As my hon. Friend, Mr. Patnaik, said, what fear have the depressed classes when every high caste Hindu has to go to them and beg of them for their votes? The high class people going and begging the depressed classes for their votes will dissolve all differences. In ten years I am sure there will be no difference between the depressed classes and the other Hindus. Ten years before where were they? Now where are they? And ten years after where will they be? Considering all these circumstances, I say there is no fear for them at all. So, let Mr. Muniswami Pillai support Dr. Subbarayan's amendment. Otherwise, his community will be very badly affected.

" As for our Muslim brethren, they have got 30 seats, and they can take care of themselves; there are very able and eminent people among them. But I want to point out one thing. It is indeed deplorable that only nine seats have been provided for the Indian Christians. It is a thing against which all of us should protest. They should be given weightage. The number 9 should be increased to either 15 or 18. We are giving representation to others on a population basis. Let the Indian Christians be given representation on an intelligentia basis. And after all, 15 seats are not too many for them. Some members seem to be of opinion that it would mean the taking away of the seats due to the majority community. No, that is not what is proposed. Extend the Council and it will then be all right.

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" As for the Second Chamber itself, they say that they have a Second Chamber in Great Britain. What will be the use of a Second Chamber for us I do not know. There the powers of the Mother of Parliaments are so great that the Second Chamber passes everything that the First Chamber introduces, and the Minister in the First Chamber is so powerful that when he thinks that his Bill will not be passed through the Lords, he asks the King to create more Lords and then he passes his Bill through that House. For one thing, they want to have old established customs there. The people in Britain stand for the King and the constitution and the King himself stands for the constitution. So they are having the Second Chamber. There was an attempt even there to pass a vote by the Commons to abolish the House of Lords. Moreover, the House of Lords may be a check for good or bad. All the trouble of the Irish Free State would have been avoided if the House of Lords agreed to give the Irish people some concessions. I submit a Second Chamber will always be a danger and we do not want to create such dangers or sensations in this country. The Governor may be given the power of vetoing in extraordinary cases. Considering all these things, I request the non-official Members of this Council to vote for Dr. Subbarayan's amendment."

* Pandit GANALA RAMAMURTI :—" Mr. President, Sir, I rise to support the sentiments expressed by my hon. Friend, Khan Bahadur Khalif-ul-lah Sahib Bahadur, pressing the absolute necessity for establishing a Second Chamber in this Province taking into consideration the special conditions prevailing therein. The scheme submitted by the All-India Viswakarman Liberal Federation to the Indian Statutory Commission in 1928 favoured the desirability of constituting Second Chambers in the Provinces. The Indian Franchise Committee presided over by the Most Honourable Marquis of Lothian observed that some representation to the minor minorities should be provided in the popular assemblies of the land.

"The Viswabrahmans of this Province who number 12 lakhs according to the 1921 census form one of the minor minorities of this Presidency who follow minor metal industries. Since they are scattered throughout the country they cannot hope to be returned by the electorates to representative bodies like the First Chamber under the present arrangement. Second Chambers should therefore have to be established so that minor minorities may have a voice on matters concerning their own welfare. ' No taxation without representation ' being a democratic principle accepted on all hands, some sort of representation should be given to such communities and to secure the same, the constitution of Second Chambers appears to be the best means. I refrain from entering into the composition, life and other details of the scheme of Second Chambers for fear of repetition as the same are given in that drafted by the All-India Viswakarman Liberal Federation referred to above. Second Chambers should be constituted on the basis of landed interests, and on that of occupation.

"I therefore beg to oppose the motion moved by my hon. Friend, Dr. Subbarayan, on behalf of the whole Viwabrahmana community of this Presidency."

* The hon. the PRESIDENT:—"I wish to inform the House that I am going to put the motion to the vote of the House at 1-30 p.m. There are a few more members who are anxious to speak, and I make a special request to them to cut short their speeches as much as possible."

* Mr. M. DEVADASAN:—"Mr. President, Sir, hon. Members who have preceded me discussed the *pros* and *cons* of the necessity for a Second Chamber. The very arguments which some members advanced in favour of a single Chamber are a justification for a Second Chamber. I am not going to repeat the arguments advanced by the speakers who preceded me, who said that there should be a Second Chamber. We are now passing through a change and we expect new reforms and we expect larger responsibility to be transferred to us. When we get larger responsibilities, I should think this House would not be competent to carry out those responsibilities. Whenever a Bill is to be passed, several formalities have to be gone through. We have to apply to His Excellency the Governor for sanction and then we have to apply to His Excellency the Viceroy for further sanction. But when more power is transferred to the popular bodies, there will be difficulty in dealing with those matters. In such a case, even though the Legislative Council which might come into being with a membership of 215, may carry on the administration of the Presidency, it won't be able to do full justice to all the matters that should be administered by the Government. My friends have already stated that there are instances of Second Chambers in several countries. In the United States of America, in every State, there is a Second Chamber. In all the self-governing Dominions of the Empire there are Second Chambers. Even a few days ago you must have learnt that in the Indian State of Travancore, the Maharaja announced that there would be a Second Chamber in his State. It is after all a small country and the Maharaja of that State gave consent for the establishment of a Second Chamber there. Our Madras Presidency is nearly four times larger than Great Britain, and Great Britain has two Chambers. If more power is transferred to the popular bodies, the new Council that may come into being may not do full justice to the administration of the country. The previous speakers said that the Second Chamber may have several functions such as appellate, revisionary, etc. I want to add that the Second Chamber may discharge some of the functions of this Council. We know very well that in several districts we have got taluk boards (even taluk boards have been bifurcated in some cases) and district boards also. Although we have got taluk boards, we are tolerating the existence of district boards. There is a duplication of boards in the districts. The people have found it necessary to have several boards so that they may discharge the duties entrusted to them satisfactorily. If the labour of administration is divided among several bodies, there

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is likelihood of improvement of business; and I am sure it will be agreed that for the proper conduct of business there should be two bodies, a lower Chamber and an upper Chamber.

"Referring to the constitution of a Second Chamber, my hon. Friend suggested there were not sufficient materials. My friend, Mr. Natesa Mudaliyar, suggested that the establishment of a Second Chamber will be prejudicial to the depressed classes, because there were not sufficient men in the community with administrative experience."

* Rao Bahadur C. NATESA MUDALIYAR:—"No, no, Sir. I never meant that. Eminent men may be brought there and will be brought there. There are great men among the depressed classes. I never said anything against the depressed classes, because I am a depressed class man."

* Mr. M. DEVADASAN:—"Even if the Second Chamber is constituted with men of administrative experience, I may say we have men with such experience and we are ready to supply any number of men.

"You will all remember that the late Mr. Justice T. V. Seshagiri Ayyar, though a nominated member, brought in certain legislation for the benefit of the community and effected a reform in the Hindu law. There are such men who are fit to sit as members in the Second Chamber. So far as the other point urged against a Second Chamber is concerned, I must say it will not be as costly as it is represented. It need not sit so many days as the lower House and perhaps it may sit once or twice a year. All matters discussed in the lower House need not be sent to the Second Chamber.

"Further you know that election is a costly business. Of course there are better men outside this Council who could not come into the Council, because of the difficulties they have to experience in the elections. The people who are desirous of doing service to the country are not able to come into the Councils. Mr. Hameed Khan says that there are not men competent to sit as members. I may say there are men who are competent, but who do not come on account of the several difficulties in getting elected to the Council. One has to spend not only a good lot of money but also one's time and energy. Even if he does it he is not chosen. Among the people who are not anxious to come into the Council, you can find competent men who can do justice to their position should they be nominated to the Council."

Mr. ABDUL HAMEED KHAN:—"Such men will not be selected."

Mr. M. DEVADASAN:—"Such people can be selected to the Second Chamber if the Government can nominate them. There are instances where the Government have nominated men who have brought credit to themselves and those who nominated them. In the constitution of a Second Chamber, the Government in justice to the claims of the minorities will nominate men from the minority communities, viz., depressed classes, Muslims, Christians, etc. Due regard must be paid to those who do not come through election.

" Before concluding I wish to say a few words about the remarks made by Mr. Yakub Hasan. I am a nominated member. He mentioned that ' some nominated members ' did this and that. ' Some ' means an indefinite number. He meant to say that the nominated members are responsible for the formation of the present Ministry. I have to say that he must withdraw the statement. We are no more responsible for the formation of the new Ministry than the elected members. I wish to know if Mr. Yakub Hasan ever applied for nomination to anybody in the past. We have to do not only our duty to the Government but also to others. I do not say we are slaves of the Government. We use our independence whenever it is necessary to do so. We do not believe in the applause from the galleries. We feel that we have to do our duty to the people whom we represent in this Council. With these words, I advocate the necessity for a Second Chamber."

Mrs. K. ALAMELUMANGATHAYARAMMA then addressed the House in Tamil and the following is the English translation of her speech:—

" Mr. President, on the important question whether our Province should have a bicameral system or not, some members have spoken in support of it and some others against it. I also would like to say a few words on this occasion. Some have stated that the purpose of democracy is best served by having a single Chamber. There is a good deal of truth in this point of view. But if we examine what great changes are going to take place in our country, the necessity for a revising Chamber as a check on hasty legislation will become apparent. The membership of the legislature is going to be largely increased. Measures of great importance to the Province will come up for discussion and decision before it. Legislation rushed through the popular legislature at times of great excitement may not in calmer moments be desirable in the interests of the public as a whole. A Second Chamber is therefore necessary as a healthy check.

" Some members have stated that it is not advisable to ape the West in all respects. But it is well to bear in mind that it is as a result of Western education and culture, we have come to model our representative institutions on theirs. In many democratic countries in the West they have the bicameral system. England, America, France and Germany, to quote a few, have bicameral legislatures. It is necessary that our institutions which are adopted from the West should also have double Chamber system.

" Speaking on this question, Mr. Patnaik brought in the analog that the advocacy of double Chambers was like saying that the firs born child was not intelligent, and therefore the second-born chil should have more intelligence. I do not think this analogy is soun To think over a matter for a second time is entirely different. A man second thoughts may be wiser than the first. He may on deeper co sideration change his former thoughts as not conducive to his interes ... comes to my mind. If a lower cou

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decides a matter in a particular way, which is not satisfactory, does not the High Court or the appellate court overrule that decision? Why should not the decision of the first court be made unalterably binding? Even so, there is no harm in having another Chamber to look after the interests and welfare of the Province. Therefore it is, I feel, that the Zamindar of Mirzapuram deserves to be supported. The members of the depressed classes in the Council have expressed opinion in support of another Chamber for Madras. Mr. Devadasan who has spoken before me has expressed the attitude of the depressed classes. It is not proper to say that such nominated members will always support the Government. They can think for themselves, distinguish right and wrong and form correct opinions of their own.

"If there are two Chambers, there is opportunity for experienced and educated elders, who may not be returned to the first Chamber, to serve the country in a special manner. If there are two Chambers there will be greater scope for social reform, and owing to increased representation, women will have a great opportunity to work for the upliftment of their sex.

"In these and other ways the existence of another Chamber for our Province will be of great use to us. I have therefore great pleasure in supporting the amendment of the Zamindar of Mirzapuram."

* Mr. K. R. VENKATARAMA AYYAR :—"Mr. President, Sir, we heard the hon. Member for the European constituency, Mr. Birley, this 1-11 morning to say that he was undoubtedly a democrat, but that he was a p.m. cautious democrat. Adopting his phrase, I desire equally to emphasize that I am as much a democrat as Mr. Birley, and I desire also to range myself as a cautious democrat as much as he has claimed to be a cautious democrat. But, I must say this that after very careful consideration of what has fallen from him my caution leads me to a conclusion exactly opposite to Mr. Birley's conclusion. For one thing, I thought that this question of a Second Chamber for the Provinces in our country was somewhat a closed question. So far as Madras is concerned, the matter was considered by the Government of Madras, and a very careful conclusion based on very weighty reasons was reached by both Halves of Government, and that conclusion was expressed in paragraph 10 of the Memorandum submitted by our Government to the Indian Statutory Commission. The Madras Government advocated a single Chamber, and they were against a Second Chamber for the very substantial reason that there are no elements or interests which do not or would not contribute to a single House or from which a second or revising Chamber could be formed. That conclusion which was formed quite recently, I thought, came up yesterday and to-day before this House for consideration by the various sections of the House. The question is whether any arguments have been advanced by any Members who have expressed themselves in favour of the establishment of a Second Chamber for our

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Province which really furnish an answer to the very weighty statement of reasons contained in that memorandum. From what elements is it suggested that the Second Chamber should be constituted? One very noteworthy element is the element of the landed aristocracy; another allied element is the element of industrial, money-lending and other magnates or millionaires; another element is stated to be retired officials; yet another element is described to be the old and infirm pandits of political experience who are presumably not equal to the travail of a modern democratic electioneering campaign. Under the diarchic system in this Legislative Council the landed aristocrats have fought their way in sufficient numbers. We heard the Raja of Bobbili claim yesterday that he bore a leading share in the conduct of the late election campaign of 1930 and hand in hand with the ex Chief Minister whom he has replaced. We know that other aristocrats have also borne the brunt in leading these election campaigns, and they are claiming similar rewards on that account. I wonder if the Kumara Raja of Chettinad might not lay a similar claim to oust Mr. P. T. Rajan for the same reasons. Anyway, whatever the result, if you allow representation in the lower House for these landed aristocrats with such plentiful opportunity as is evident they have had of getting in in such a large number, and again if you recruit from their ranks largely to a Second Chamber, I think all opportunity for a fair and reasonable consideration of measures intended for the amelioration of the lot of the vast mass of the poor people of our land, would merely be lost. The richer classes would be the first and the final arbiters of the lot of the poorer people. That would be the result which I imagine the representatives of the depressed classes in this House had not sufficiently taken into account when they expressed themselves in favour of an Upper House. The fact really is that for a good length of time in the past, legislation intended for the benefit of the poorer people has not been undertaken and that any legislature in the future will largely have to undertake such legislation. I think if an Upper Chamber were instituted in this Province, it would result practically in the impeding of all such measures and in the pampering of the favoured classes. As a result, it would easily emerge in the not distant future that the poorer people would feel very acutely the position into which they would find themselves driven, and the Upper House would not operate as the stabilizing factor which it is claimed it would, but it would itself turn out to be an engine of oppression which would give more and more vogue to what is commonly called communism, a result which the landed aristocrats and privileged classes could not look forward to with equanimity. If they did not look upon such a likely result with equanimity, how then did they without adequate thought range themselves in favour of a Second Chamber? My hon. Friend, Dr. Subbarayan, is a landed aristocrat. I think he has, with his accustomed enlightenment, devoted adequate thought to both sides of this question and with an enlightened self-interest he has reached the right conclusion on this subject. I commend his amendment for

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* The hon. the PRESIDENT:—" I will put the amendment to the vote of the House. The question is—

'Add *the following at the end of the hon. the Revenue Member's motion:—*

" *and on such consideration this Council is of opinion that the constitution of a Second Chamber for this Province is unnecessary and undesirable* ".' "

The motion was declared carried.

The hon. Sir Archibald Campbell demanded a poll, which was taken with the following result:—

Ayes.

1. Mr. M. D. T. Ranganatha Mudaliyar.
2. Rao Sahib N. Siva Raj.
3. Mr. B. P. Sesha Reddi.
4. ,, W. P. A. Soundara Pandian.
5. ,, P. Bayappa Reddi.
6. ,, J. A. Davis.
7. Rao Sahib C. Jayaram Nayudu.
8. Mr. D. V. Narasimhaswami.
9. ,, K. Kesava Ramamurti Nayudu.
10. Dr. P. Subbarayan.
11. Mr. Yakub Hasan.
12. ,, K. R. Venkatarama Ayyar.
13. Rao Bahadur T. A. Ramalingam Chettiyar.
14. Mr. Sami Venkatachalam Chetti.
15. ,, V. P. Narayanan Nambiyar.
16. ,, M. A. Manikkavelu Nayakar.
17. ,, A. B. Shetty.
18. ,, Abdul Hameed Khan.
19. ,, P. Peddi Raju.
20. Ahmed Meeran Sahib Bahadur.
21. Mr. K. A. Nachiyappa Gounder.
22. ,, A. Pl. N. V. Nadimuthu Pillai.
23. ,, U. C. Subrahmanya Bhatt.
24. ,, K. S. Sivasubrahmanya Ayyar.
25. Diwan Bahadur B. Muniswami Nayudu.
26. Mr. K. P. Raman Menon.
27. ,, M. S. Sreshta.
28. ,, G. R. Premayya.
29. Sriman M. G. Patnaik Mahasayo.
30. Diwan Bahadur M. Gopalaswami Mudaliyar.
31. Mr. C. Indriah.
32. ,, J. Kuppuswami Choudari.
33. ,, Mabboob Ali Baig.
34. ,, H. B. Ari Gowder.
35. ,, T. Narasa Reddi.
36. ,, B. Pattabhiramayya.
37. Rai Sahib C. Kolanda Reddi.
38. Mr. M. B. Rangaswami Reddi.
39. ,, G. Sriramulu.
40. ,, K. M. Duraiswami Reddiyar.
41. Rao Bahadur R. K. Venugopal Nayudu.
42. Mr. A. Ranganatha Mudaliyar.
43. Rao Bahadur C. Natesa Mudaliyar.
44. Mr. K. Koti Reddi.
45. Diwan Bahadur S. Ellappa Chettiyar.
46. Mr. C. R. Parthasarathi Ayyangar.

Noes.

1. Rao Bahadur G. Jagannadha Raju.
2. ,, R. Srinivasan.
3. Mr. M. Devadasan.
4. Rao Sahib V. I. Muniswami Pillai.
5. Mr. M. Vedachala Mudaliyar.
6. ,, P. C. Moses.
7. ,, P. V. Rajagopala Pillai.
8. ,, V. G. Vasudeva Pillai.
9. Rao Sahib V. Dharmalingam Pillai.
10. The Zamindar of Mirzapuram.
11. Diwan Bahadur A. M. M. Murugappa Chettiyar.
12. Mr. H. M. Jagannatham.
13. Rao Sahib P. Subrahmanyam Chetti.
14. Mr. S. A. A. Annamalai Chettiyar.
15. Pandit Ganala Ramamurti.
16. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
17. Mr. C. Basu Dev.
18. ,, F. Birley.
19. ,, W. O. Wright.
20. ,, F. J. Stanes.
21. ,, W. K. M. Langley.
22. ,, C. Krishnan.

Neutral.

1. *The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur.*
2. ,, Diwan Bahadur M. Krishnan Nayar.
3. ,, Sir Archibald Campbell.
4. ,, Diwan Bahadur S. Kumaraswami Reddiyar.
5. ,, Mr. P. T. Rajan.
6. ,, the Raja of Bobbili.
7. Mrs. K. Alamelumangathayaramma.
8. Mr. C. E. Jones.
9. ,, J. A. Thorne.
10. *Mr. H. M. Hood.*
11. ,, R. Madanagopal Nayudu.
12. ,, S. H. Slater.
13. ,, E. Conran Smith.
14. ,, T. Sundara Rao Nayudu.
15. Khan Sahib Syed Tajuddin Sahib Bahadur.
16. Subadar-Major S. A. Nanjappa Bahadur.
17. Mr. P. K. Ramachandra Padayachi.
18. ,, M. A. Muthiah Chettiyar.
19. Swami A. S. Sahajanandam.
20. Mr. R. M. Palat.

Ayes 46. *Noes* 22. *Neutral* 20.

The motion was carried.

The resolution, as amended, was put and carried.

* The hon. the PRESIDENT:—" The House will now adjourn and meet again at 4 o'clock."

After Lunch (4 p.m.)

IV.—DISCUSSION *RE* THE POSTPONEMENT OF FURTHER GOVERNMENT BUSINESS ON THE AGENDA.

* Dr. P. SUBBARAYAN:—" Before the business commences, I should like to ask the Leader of the House why the Government have dropped all their business, and I should also like to mention to the Leader of the House that the public at large are very keen that the two Bills amending the Local Boards Act and the District Municipalities Act should be passed as soon as possible. There is a lot of controversy which remains to be decided and it is necessary that these Bills should be passed early. Secondly, there is an important grant for village roads which is to be given to the taluk boards. If the demand is not put now, and if it is to come up later in January, it will not be possible for taluk boards to spend the money away under the grant before the end of the financial year. I would like to make an offer to the Leader of the House that, if the Government think there is going to be opposition to the above measure, we are prepared to guarantee that there will not be any opposition and these matters, being non-controversial will be passed by a unanimous verdict of the House."

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" The Members of the Treasury Bench had a consultation among themselves and they came to the conclusion that the Government business should be postponed to the next meeting." (A voice: 'Why?')

Dr. P. SUBBARAYAN:—" Is it due to the fact that they are afraid of a no-confidence motion?"

* The hon. the PRESIDENT:—" Government have got the right to fix their own list of business."

V.—APPOINTMENT OF CHAIRMEN OF SELECT COMMITTEES ON CERTAIN BILLS.

* The hon. the PRESIDENT:—" I have to announce that Mr. Abdul Hameed Khan has been appointed as Chairman of the Select Committee on the Bill to amend the Madras Impartible Estates Act, 1904.

" As regards the Money-lenders Bill, the Kumara Raja of Chettinad, the only Member of the Panel of Chairmen in this Committee, likes that some other Member of the Committee be appointed as Chairman as he has advocated certain view points. Therefore, I have appointed the hon. Sir M. Krishnan Nayar as Chairman.

" As regards the Bill to amend the Madras District Municipalities Act, 1920, I appoint Diwan Bahadur B. Muniswami Nayudu as the Chairman of the Select Committee."

II.—ADJOURNMENT MOTION *RE* ENHANCEMENT OF WATER-RATES IN THE TANJORE DISTRICT—*cont.*

* Mr. K. S. SIVASUBRAHMANYA AYYAR:—" Sir, I move—

> '*that the business of the House do now adjourn for the purpose of discussing a definite matter of urgent public importance, namely, the publication of the G.O. No.* 1853, *Revenue, dated 5th September* 1932, *levying water-cess at very high rates for irrigation of lands in the Tanjore district.*'

" In doing so, I would crave the indulgence of this House to first go into the history of the project from the beginning in order to understand clearly the significance and the underlying motive with which this project was undertaken by this Government. Sir, the Government have imposed water-cess on lands that come under the Mettur Project. Now in fixing the rates, the project has been taken purely as a productive one. My first point is that the intention of the Government when it first undertook the project was not purely on a productive basis. In the words of the Government itself, the object of the Cauvery-Mettur Project 'is primarily to remedy the unsteady and uncertain supply of water for the irrigation of the existing Cauvery Delta, of over million acres, and secondly or subsidiarily, to supply water to as much new area as possible, which has been fixed at 301,000 acres of ayacut in Pattukkottai, Mannargudi and Tanjore taluks.' The Government undertook this scheme also with a view to better the prospects of the Kallars, the backward community in those taluks. It is a very laudable object. This attitude on the part of the Government has already made itself felt in the districts of Madura and Tanjore and has begun to give the desired effect upon that community. It is clear that the Government undertook this scheme with a view to help the Kallar community also. I ask whether it is just and right on the part of the Government to treat this project as a purely productive one for the purposes of fixing water-rates, entirely ignoring the protective nature of the scheme for which it was primarily intended and undertaken and also the laudable and humane object it had involved in improving the

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lot of the backward Kallar community. I would appeal to the hon. the Revenue Member to reconsider the order in view of the facts alleged just now.

" Sir, now let us see, what are the effects of the publication of this Government Order. I will mention categorically the effects of the Government Order on the landholders of this district. The proposed water-rate is not in consonance with the rates imposed under other major irrigation systems obtaining in the Presidency. The initial rates in these cases never exceeded Rs. 5 per acre. Further, in the Godavari Delta, in the Kistna-Pennar Canal, the Kurnool-Cuddapah Canal and the Periyar Project systems, the water-cess fixed by the Government is far below the rate proposed to be levied in Tanjore for Cauvery water. So, I ask the hon. the Revenue Member to take all these into consideration before making the rates final.

" Again, Sir, the water-cess proposed is opposed to custom, usage and equity besides being illegal. It is often prohibitive, and I may say, disproportionate to the yield and iniquitous in the present state of financial stringency, when the price of paddy is abnormally low. With reference to part III of the rules published, I may say that there has been no water-cess till now for the first crop on lands classed as wet in proprietary villages and on minor inam wet lands in proprietary or ryotwari villages. Contrary to the existing usage and custom and to the famous Urlam Zamindari case of the Privy Council, rule 7 (*c*) contemplates and imposes an excess charge of about Rs. 8-8-0 per acre. The amount of revenue payable to Government for an acre of single crop wet land in proprietary villages and minor inam is Rs. 1-8-0 by way of quit-rent, jodi, kaval fees and land-cess on the taram assessment. Now as for rule 7 (*c*) it comes to, water-rate Rs. 7-8-0 plus one rupee the cess on the above water charge *plus* Rs. 1-8-0 payable to the Government ordinarily. The excess thus works out to Rs. 8-8-0 per acre. For the dufassal crop and second crop wet cultivation, the amount of water charge now obtaining is only half the taram wet assessment fixed for the land. The amount payable for such cultivation under the new rules is Rs. 7-8-0 per acre. Taking the taram assessment for one acre of land as Rs. 7-2-0 an acre as the basis, the amount payable for such cultivation as per original rules will come to only Rs. 3-9-0 or nearly half as per new rules. Under the new rules, one will have to pay Rs. 3-15-0 more per acre. Hitherto, no charge was levied on third crop wet cultivation as per Standing Order No. 5. The new rules however impose a levy of Rs. 3-12-0 per acre. Again, in the matter of irrigation on dry lands in ryotwari villages, previously the highest water-rate was about Rs. 6 per acre for percolation, and this now is raised to Rs. 10 and Rs. 9 per acre under rule 7 (*a*) and (*h*).

" Coming to part IV of the rules the practice hitherto was to charge only ordinary water-rate of Rs. 6 at the highest per acre for irrigation of crops on dry lands cultivated with or without permit, while rule 10 provides for the levy of Rs. 150 per acre for irregular irrigation. It is about 25 times the original rate and is most unjust.

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"Coming to the rules framed under part II for the irrigation of lands, through the Grand Anicut Canal and Vadavar systems, the following data will explain the iniquitous nature of the water charge proposed to be levied. Take the case of dry lands. In order to convert these dry lands into wet, the owner of an acre of land will have to invest at an ordinary rate from Rs. 250 to Rs. 300 as initial expense, and the interest alone on that Rs. 300 will at the rate of 6 per cent come to Rs. 18; the charge for water as per new rules, for an acre, comes to Rs. 15; the ordinary dry assessment payable for the same is Rs. 1-8-0; the cess on the above is Rs. 2. The cost of cultivation ordinarily, seed paddy, labour and manure, etc., will come to Rs. 9. On the whole he will have to incur an expense of Rs. 45-8-0. Now let us see how much he will get by way of return for cultivating the said one acre of land. He will get, at the most, in good season, about 20 to 23 kalams of paddy. At the present market rate, it may come to Rs. 30. So, a ryot in the new area cultivating one acre of land will have to pay from his pocket Rs. 15-8-0 more than what he would get.

"Let us take the yield in the case of dry crops on dry lands. Most of the dry lands cultivated with dry crops in the project area are irrigated by private wells. Generally two dry crops are raised in a year on dry lands. Half the portion is cultivated with manavari dry crop and the other is cultivated with an irrigated dry crop, of course with the aid of private wells. Let us take one acre as the data for arriving at a calculation. The yield for half an acre of groundnut is ten kalams generally. The cost of the same at the rate of Rs. 1-8-0 per kalam comes to Rs. 15.

"The yield of cholam for half an acre irrigated by private well will come to 5 kalams and the cost of these 5 kalams at the rate of Rs. 2-8-0 per kalam will come to Rs. 12-8-0. The total outturn he can get is Rs. 27-8-0 and the cost of cultivation at the usual rate will come to Rs. 8. The kist due to the Government at the present rate is Rs. 2. Thus it is clear that the ryot owning an acre is able to get nearly Rs. 18 as net margin by raising dry crops on dry lands by having private source of irrigation; while he has a net income of minus rupees 15-8-0 should he use the project water? Thus it will be seen that the imposition of water-charge at the rate of Rs. 15 for dry lands is inordinately high. There are other iniquities also. For example (1) treating the *samba* or *ottadan* crop standing on the ground after the harvest of the first crop as second crop; (2) prohibitive water-charge for irrigated crop on lands classed as wet and *manavari*; (3) charge for third crop; and again (4) the prohibitory water-charge at the rate of Rs. 150 per acre for irregular irrigation. Sir, already the mirasidars are groaning under very heavy taxation. They are not able to get even loans to meet the Government kist and oftentimes they have been selling during the last few years the little they had by way of jewels and other things so much so they have now nothing left in their houses. If he goes to money-lenders the latter are unwilling, nay, refuse to lend them money because the valuation of the land as well as the

price of crops that are grown on it have gone low. If the Government are going to stick to the rules just published and insist on the water-rate just now published to be paid to them, I am afraid the mirasidars as a class will become extinct sooner or later. Now the money-lending classes may get lands in auction. But I am afraid their turn also will come in the near future and their lands will be sold in auction for their not being able to meet the demands. So, I would appeal to the hon. the Revenue Member to reconsider the Government Order issued and levy water-cess at a very reasonable rate taking into consideration the difficulties of the ryots.

" Sir, when the first estimate for the Mettur Project was first prepared in December 1910, the original estimate of the project was for only 385 lakhs and the ayacut area then proposed to be brought under cultivation too was higher than it is to-day. The then Collector of the district, Mr. Bedford, who had spent several years in Tanjore and knew the district well, is reported to have said that it was difficult to say if the people of Pattukkottai and Mannargudi taluks would avail themselves of the facilities provided, in view of the fact that water-rate was to be levied at the rate of Rs. 4 per acre for second crop and Rs. 6 per acre for the first crop raised on first-class lands. If the then Collector had entertained such doubts for levying the water-rate at Rs. 6 and Rs. 4 per acre, how then, now to expect the ryot to pay at Rs. 15 per acre? It is purely impossible. The then Special Revenue Officer who was in charge of the Cauvery-Mettur Project seemed to have raised the figures to Rs. 6 and Rs. 4 which the Board of Revenue and the Government accepted, in view of the fact that the then prevailing prices had risen a little higher since the previous settlement.

" Now it is unnecessary for me to inform hon. Members of this House that the prices of commodities grown in the district have gone far lower than they existed in the year 1910 and now to expect the ryots to pay at three times the rate which was proposed to be fixed in the year 1910 is nothing but to invoke a disastrous effect on them. The cost of the Mettur Project has been steadily rising year after year. Is it just, I ask, to expect the ryot to pay more in order to meet the percentage of interest on the outlay simply because the cost of the project has risen? Sir, is it unfair, I ask, on the part of the people of Tanjore to expect the Government to spend a large amount, even if be for regulating and regularizing an irrigation system for the sole benefit of their district—let it be—when they are paying into the coffers of the Government treasury nearly one-eighth of the land revenue of the whole of this province annually?

" Lastly, I am afraid if the present rate is insisted upon for dry lands the cultivation of dry lands itself will become extinct. At no stage of the execution of this project was it ever suggested by the Government remotely even, to levy an additional water-cess on the dry lands in the existing delta. The ryot will have to provide wells in his own garden to irrigate his lands or he will have to once and for all

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bid good-bye to dry cultivation. If the Government are obstinate, I am afraid the Government will have to lose the little revenue they have been getting hitherto all these years. So, I would appeal to the hon. the Revenue Member to cancel the Government Order that has been issued, and issue fresh orders. Again if no drainage facilities are provided in the project, people, who may be willing to take water, if and when the water-rate is reduced, are afraid to carry on cultivation because no drainage facilities are provided for them even in the new ayacut area. If model agricultural demonstration farms are started in the Government waste lands in Pattukkottai, Papanasam and Mannargudi taluks, and if the advantages of cultivating such valuable and costly crops as betel leaves, sugarcane, etc., are shown to the ryots, they may take up to cultivation of such crops and they may be induced willingly to take water from the Mettur Project. I would appeal to the hon. the Revenue Member to start such model scientific agricultural demonstration farms in these taluks.

" Sir, I would appeal to the Ministerialist Party and especially to the hon. the Raja of Bobbili, who has expressed his sympathy for the cause of the zamin ryots, yesterday on the floor of this House, to extend the same sympathy to the ryotwari population and to vote *en bloc* with his party for the motion. I would also appeal to the hon. Mr. Muniswami Nayudu to support this motion and I hope he will do it because, it seems, he got out of the Ministry on account of the sympathetic attitude he took for the cause of the poor zamin ryots against the vested interests, namely, the powerful zamindars in the Estates Land Act. I would also appeal to the hon. the Leader of the European Group to support this motion. (A voice: 'None of them are at present here.') No, they will all be here in time because I know whenever there is a just and reasonable cause, I am sure, they will come to help and support that cause. The present cause being a just one, I am quite sure they will all vote for the motion. So far as Government is concerned, I am quite sure, our cause being just, we will have the support of the hon. the Revenue Member and that he will do something for the cause of the poor ryots by cancelling the present Government Order.

" Sir, we are people who believe in orderly progress and, if the present rates are insisted upon, I am afraid the people in general, because of their incapacity to pay, may be driven to taking to no-tax campaign and it may lead to several complications and the few people who believe in orderly progress will have, out of necessity, to go into the fold of other people, namely, the extreme section in this country. So, I would appeal to the hon. the Revenue Member and to the Government to see their way not to allow things to drift in such a dangerous way at least in the interests of both the ryot population of the district, as well as that of the Government. I hope the motion will be passed unanimously."

Mr. A. Pl. N. V. Nadimuthu Pillai:—" Sir, I second the motion. The motion before the House concerns itself mainly with G.O. No. 1853,

ated 5th September 1932, which affects both the existing delta and he new area commanded by the Mettur Project. The Government)rder has been issued in view of the completion of the project. In so ar as the old delta is concerned the rules as brought into force are horoughly revolutionary in character besides being made to have etrospective effect from the beginning of the current fasli in spite of he fact that the notification itself appeared only in September. The ıew rules affect all the dry lands in the district whether in ryotwari ›r proprietary villages and also minor inams. They also affect wet ands in proprietary villages or minor inam wet lands in proprietary ›r ryotwari villages.

"Regarding dry lands in the delta a uniform rate of Rs. 10 per acre for the first crop and additional rates for succeeding crops are fixed whether the crop raised is a dry crop or a wet crop and irrespective of the fact whether irrigation is only occasional or regular. It is impossible to pay such a rate. It is calculated to prevent cultivation of dry lands wholesale if one wants to escape this unbearable burden. During the last resettlement the assessments for dry lands were automatically raised irrespective of the actual outturn and the enhancement ranged from about 18¾ to 25 per cent. These dry lands are not going to be specially benefited by the project as by the time water is baled out to these lands or even ordinarily irrigated there is likely to be plenty of water and even a surplus in the fields or ponds near these dry lands from which usually these dry lands are being irrigated. The increase at the time of the resettlement was attributed to an increase in the price of dry-grains. But it is well known that since the last settlement the prices of the standard crops inclusive of dry crops have gone down considerably. The landholders are unable to find a sale for their crops even at rock-bottom prices. The Tanjore district has lost its market and it was stated recently at Tanjore by His Excellency that even if the Tanjore paddy was delivered at Ceylon free of any freight by the railway, Burma rice would yet be selling cheaper. It is no good trying to increase cultivation of paddy and there is already a cry in the whole Presidency that there is overproduction of rice.

"Even according to the calculations made by the Resettlement Officer for the Tanjore district the margin left to the ryot from dry lands classed under tarams 4 to 11 ranges from Rs. 5-2-0 per acre to As. 4-0 per acre according to tarams. This calculation was arrived at on the basis of the high prices of grains then prevailing but which are not prevailing now. Even with this margin it will not be possible to meet the new demand of Rs. 10 per acre which rate is fixed irrespective of the crop raised and irrespective of the class of the land not to speak of the additional burden for the second and third crops. The rate now to be paid is not only this Rs. 10 per acre but the road-cess also on this sum. Wherefrom can the ryot pay such an exorbitant sum? The cultivator has to pay something from out of his pocket and incur a loss.

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"We have been used to raise certain standard crops. It has not yet been investigated whether the soil is suitable for any other kind of crop which may be considered more paying. Under these circumstances the Government cannot expect the ryots to change the nature of their crops and it will be unreasonable to expect them to do so. It is highly improper to think that more water will give increased outturn. By the Mettur Project the delta ryot is not going to get more water than he is accustomed to do, though it may be a regulated one. When even the margin calculated according to resettlement rates has failed and when the whole delta is groaning under chronic indebtedness as a result of crushing taxation, when the money-lenders refuse to lend even at high rates of interest owing to the fall in the prices of grains and lands, when there is a hue and cry everywhere to reduce the existing land-tax by 25 to 50 per cent, it is a retrograde step to fix unbearably high rates of taxation regardless of consequences. The legal problem that the ryot is entitled as of right to use the water flowing by his land without diminishing the customary supply to lower riparian owners and that the Government cannot in law levy any additional burden on the ryot is also staring us in the face.

"The new rules affect the wet lands in proprietary villages and minor inams in ryotwari or proprietary villages for which also there is absolutely no justification. The rules are quite against law and the provisions of the Madras Irrigation Cess Act.

"Now to turn to the new area, which this project is likely to command the rules framed impose very heavy water-rates which the ryot is surely unable to pay. In the language of G.O. No. 1244, dated 8th June 1931, the Mettur Project has been framed with three objects in view: (1) to provide an improved, controlled and steady supply of water to the land *now irrigated* in the delta; (2) to extend irrigation to an additional area of about three lakhs of acres and (3) to have the reservoir act as a flood moderator and mitigate the effect of floods in the Cauvery in the districts below the reservoir.

"Thus the main object of the project is to remedy the existing defects in the irrigation system in the delta. The Government are realizing a very large sum by way of land revenue from the delta. Almost every year floods have been devastating several thousands of acres, resulting in annual extra expenditure to the Government in closing up breaches and flood relief and loss of revenue due to remissions. Owing to the improper system of the regulation of supply some villages did not get the required quantity and as a consequence remissions had to be granted. It is but proper to expect that the Government should spend and construct such works as will ensure to the Government a steady collection of the assessment on the lands and to avoid the recurring expenditure consequent on the devastations by the floods. It is also a proper policy for a Government to enrich the country and its subjects by projects calculated to improve their lot.

"The first estimate of the project prepared in 1910 was 385 lakhs. In 1916 it was revised to 409·5 lakhs and in 1921 a second revision took it to about 559 lakhs. In 1924 it was again increased about 612 lakhs. All the time the irrigable area remained almost unchanged. As matters stand at present the cost of the works has risen up to nearly 9 crores and it is not yet known where it will stand finally. It is stated by the Government that this project must be a productive one. The enhancement of the estimate from time to time as it suits each succeeding Engineer cannot in any event justify an enhancement of the revenue sought to be realized from the lands brought under irrigation.

"We are now concerned with the propriety of the heavy water-rates proposed in G.O. No. 1853, for the Grand Anicut Canal system and the Vadavar system. The rules apply to both dry lands and wet in the whole area commanded. For dry lands we have a uniform rate of Rs. 15 per acre for first crop, Rs. 22-8-0 per acre for dufasal crop, Rs. 7–8–0 per acre for a second crop and Rs. 3–12–0 per acre for third crop. For manavari lands, that is, lands in which wet crops are raised now with rain water, the rates are Rs. 14, 21, 7 and 3–8–0, respectively. For wet lands the rates are Rs. 10, 17–8–0, 7–8–0 and 3–12–0 respectively. The rates are fixed regardless of the kind of crop raised (dry or wet) and regardless of the classification of the soil.

"Is it possible to pay these rates under any circumstances? The forecasted revenue in 1910 was Rs. 6 per acre for a single crop and Rs. 4 for a second crop in the new area. It was with much hesitation that even these rates appear to have been accepted by the Board of Revenue and the Government of Madras, while the then Special Revenue Officer in charge of the project suggested Rs. 5 for first-class land for the first crop and Rs. 3 for the second crop. Even at these rates the Collector of the district felt doubtful if the ryots of Pattukkottai will avail themselves of the benefits of the scheme.

"The Government then took into consideration the rise in prices since the last resettlement and concluded that a rate of Rs. 6 for first crop and Rs. 4 for second crop in the new area would be fair. Even this would surely have been a heavy burden at the prices then prevailing.

"But now the rates proposed are 2½ or 3 times these rates and new conditions and restrictions have been imposed. When these rates were suggested on the floor of this House in 1924 there was considerable opposition. The statement made by Mr. P. S. Rajappa in 1924 is much relied on by the Government to impose this heavy and unbearable taxation. The reports of the expert Revenue Officers of the Government quoted above that even for a rate of Rs. 5 per acre the project is not likely to attract many are forgotten. The elected members of the Council inclusive of the Member for the University raised very strong objections to the revenue forecast and exhorted the then Law Member to get the consent of the mirasidars affected for these rates, but that was not done. Even in 1910 when rates like Rs. 5 per acre

than those now prevailing. The rates of water-cess proposed for the new area are twice or thrice as much as the rates prevailing in the delta. Can it be expected that the lands in the new area will yield more than the average wet land in the delta? If not, can it bear even the rate that is now being borne by the delta land? What are the additional reasons for fixing rates considerably higher which anyone will find it impossible to pay?

"At least in 1910 some investigation appears to have been made by Government Revenue Officers about the probable water-rates that the Government can expect. No further investigation appears to have been made before multiplying the rates to exorbitant figures regardless of the benefit to the cultivator. When this aspect of the problem was placed before the hon. the Revenue Member and His Excellency the Governor the only answer was that the capital outlay on the project was very heavy and interest at 6 per cent had to be realized. This is nothing but a theoretical calculation regardless of the practical utility of the water to the ryot or the benefit derived by him.

"The area newly commanded by the Grand Anicut Canal system and Vadavar system, and in particular the Pattukkottai taluk, is notorious for its infertility, for the poverty of its tenants and for the poverty of its people. I would like that this House should know what data the Government have got on which they have come to the conclusion that this project can be a profitable concern, that the lands in the new area can bear these rates without detriment to the cultivator to any extent. It is with this object in view, that this House should be made aware of the data connected with the levy of these rates, that I requested the hon. the Revenue Member to consult this House before passing final orders in G.O. No. 1244, dated 8th June 1931, which was published in the *Fort St. George Gazette* inviting objections. This request was refused by the hon. the Revenue Member on the ground that all this had been done in 1924 when the revenue forecast was placed before this House. But the proceedings of the discussions on the floor of this House and the reply of the then Law Member shows clearly that nothing definite was stated by the then Law Member except a promise to make arrangements to come to an agreement with the Tanjore mirasidars. Then the Member for the University stated thus:—'I want this Committee and the hon. the Law Member to satisfy themselves and then to *satisfy this House,* whether they have sufficiently accurate and reliable data on which they can say that this project can be made a profitable concern, which will enable the people to take up lands and cultivate them and pay on an average Rs. 15 per acre as water-rate . . . We are anxious to supply water, we are anxious to improve the Pattukkottai taluk in the Tanjore district, but we cannot blindfold commit ourselves to the idea of this project unless we are assured that it is going to pay.' To this the hon. the Law Member replied: 'I realize the gravity of the warning uttered by the hon. Members who have spoken on the matter. It will be the duty of the Government before spending money on this project to satisfy themselves on this matter.'

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"Have the Government done so? What are the reliable statistics before the Government, which they have since gathered to justify the levy *of these rates? I am not aware of any further investigation made.* I am sure that many of the hon. Members of this House are also unaware of the reasons why Government expect to realize these rates. Even then it was pointed out that the rates proposed were excessive, and that there was no means by which these rates could be enforced.

"In *clause 45 of the Irrigation Bill which was introduced into* the Council it was provided that 'If at any time, any new irrigation work is constructed or an old one is so improved as to increase the amount or duration of the water-supply, the Government may levy on all lands benefited by such work an additional cess *proportionate to the benefit conferred* by such construction or improvement.'

"What is the benefit likely to be derived by the ryots concerned by making use of the project? No data are given by the Government. The conditions prevailing in the delta are such that we find the existing land revenue unbearably high and it has to be reduced substantially. When G.O. No. 1244 was published, the Pattukkottai mirasidars objected to the draft rules vehemently. Mahazars were sent from several villages. A deputation of leading mirasidars waited on the hon. the Revenue Member and the Director of Agriculture. The objections have not been heard or considered. The draft rules have been practically repeated *in the form of G.O. No. 1853. The small concessions* shown are negligible. When the grievances were placed before His Excellency at Tanjore on the 24th of last month, the ryots were advised not to make use of the water if they could not pay the rates, the reason being that 6 per cent interest on the capital outlay must be realized. Is this a proper procedure? Will the project be productive if the ryots do not make use of the water? Will the Government realize the interest if the ryots do not take the water? Have the ryots of any of the several villages inspected by the Special Revenue Officer and the Special Executive Engineer consented to convert their dry lands into wet and use the Cauvery water at those rates? I am aware that the ryots of almost all the villages do not even attend the so-called ayacut hearings and if at all a few attend, they do not agree to use the water at these heavy rates. Unless the lands are classified soilwar and reasonable water-rates are levied proportionate to the benefit that the ryot may derive by using the water and considering the prices prevailing at present, not a drop of water will be made use of. A grave situation has arisen consequent on the publication of G.O. No. 1853, and the advice given that except at those rates the water need not be used. This Government Order must be immediately revoked. There are certain *limits to taxation,* beyond which it is calculated to choke enterprise and discourage effort."

* The hon. the PRESIDENT:—"The hon. Member has exceeded his time-limit."

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MR. A. PL. N. V. NADIMUTHU PILLAI :—" Under these circumstances I request the hon. Members of this House to extend their support to this motion so that proper and adequate steps may be taken by the Government by revoking the G.O. No. 1853 and framing fresh rules after consulting this House."

MR. T. S. RAMASWAMI AYYAR :—" Sir, I desire to support this motion and in doing so, I wish to state only a few of the reasons. Important points have been raised by the hon. Mover and Seconder of the motion and it is unnecessary for me to go into details. Let me mention that there is a wrong notion that, so far as the Tanjore district is concerned, it is flowing with milk and honey. So far as the assessment is concerned, it is of course true that a large portion of the Government revenue comes from that district. Every settlement of the district reveals that under one rule or other, the Government get much more than they would normally get from other districts. For example, it was said that in the settlement before the last, the land revenue from the Tanjore district was about Rs. 41 lakhs and odd. At the time of the last settlement, the amount came to about Rs. 70 lakhs, as much as Rs. 28 lakhs have been added to the assessment of the district. I would ask the Government, ' is it fair to levy such a heavy increase at a time when prices of food-stuffs have gone down? ' The question of settlement has been raised in this Council very often. Advantage is taken of the fact that only one district is to be benefited by any motion that is discussed relating to increased settlement rates. It looks as if it is a matter of petty jealousy between districts. I desire to state that, without the people knowing it, year after year the incidence of taxation has been going up. We find that at the time of Budget discussion every year, a large number of motions are brought forward and the hon. the Revenue Member is faced with speeches which traverse over and over again the whole point and which raise the questions, ' how far the Government are entitled to increase the taxes, how far would the Government consider themselves as the owner of the land and the landholder as only a tenant, what system obtained in the days of the ancient Hindu Rajas, and what is the system that now obtains.' All these questions are mooted and all the points are discussed threadbare. If I am not mistaken, the motion has been carried more than once and the Government are always faced with the fact that when the question of settlement of a district comes, the people of the district raise the point. People of other districts sympathize with them, but the Government have their own way. I wish to point out to the Government that there is great need, urgent need for the Government to revise their land revenue policy. It is all easy for the Government to say that after the report of the Settlement Officer was received, the rate has been fixed at such and such a figure. When the last Irrigation Bill was about to be passed, this point was raised and the then Member of the Government in charge of this portfolio (Sir Muhammad Habib-ul-lah Sahib) made a statement on the floor of this House that the increase of taxation in any district after a settlement, should not

be above $18\frac{3}{4}$ per cent. We know, Sir, that in the Tanjore district the rates were raised by 25 per cent. There was great agitation and this agitation led to a no-tax campaign. It only meant that the economic pressure was so great that the people could not afford to pay the taxes; it was not a political agitation; it was not an agitation that was engineered by anybody. Richest landholders in the district sympathized with the agitation, not because they felt that it was against orderly Government but because it was felt that it was unfair that the ryot should be asked to pay such heavy rates. If I remember right, a deputation of leading mirasidars of the Tanjore district waited on the Government . . ."

The hon. Sir ARCHIBALD CAMPBELL:—"On a point of order, Sir, may I know if the hon. Member can raise the question of settlement rates in connexion with this motion?"

* The hon. the PRESIDENT:—"The hon. Member would not be in order to raise the whole irrigation policy of the Government."

Mr. T. S. RAMASWAMI AYYAR:—"I raised this point for the purpose of showing that the incidence of taxation has been going up year after year, the present increase of rates is the last straw on the camel's back. I referred to the last settlement for this reason, that the people felt that the incidence of taxation was so high that it was not possible for the ryots to pay the tax. Certain changes are sought to be made by the Government to make it even more difficult for the landholders to pay the tax. I wish to refer to one or two changes which affect the question materially. As pointed out by the hon. Mover of this motion, in the case of inam lands a great change has been made. These inam lands were given to people in some cases by the British Government and in some cases by ancient Rajas for certain service rendered. So, these inam lands were considered to be free from these excess charges. We find that these new taxes are imposed on these inam lands also. They have to bear this extra strain though there is something like an understanding that the Government would not increase taxes with regard to inam lands, by the levy of water-cess.

"We know that the prices of food-stuffs have gone down. It was only the other day that the Government tried to answer the question *re* the price of paddy, as assessed by the Government, when the settlement was made and the price at which it sells now. The price of paddy has fallen much below the rate at which it was sold at the time when the settlement rates were fixed. I refer to this point in order to show that it is difficult to pay the present rate of taxation. The Government go further and say that, with regard to some crops, they are going to increase the rates. The Government may very well say that this is a business proposition. We have got the Mettur-Cauvery Project; we cannot afford to lose money by way of interest. I also ask the Government to look at the question from a business-man's point of view. When it is difficult to sell some articles, do you increase the price or decrease it? It is not possible for new land to be brought

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under cultivation because people who are cultivating now are not able to get even a small amount of surplus after paying the kist. You cannot induce people to bring new lands under cultivation. If the Government want new lands to be brought under cultivation, they should bide their time. If the Government want to induce new lands to be brought under cultivation, after another 30 years or so they can increase the rates if they find that the landlords get enough return from the land. If they want to do it now, they will be faced with this proposition of the landlords not being able to pay the excess rate and not caring to cultivate new lands. I think that is the attitude taken by some mirasidars of Pattukkottai.

"If the Government want to get enough income, they should try to encourage the cultivation of new crops. We know that the price of paddy has gone down. It is not economical to raise paddy and sell it. It would be therefore better for the Government to encourage the cultivation of crops like sugarcane. But what do we find? Instead of encouraging the raising of these crops, the Government have fixed a high rate for them. It comes to Rs. 22. A Government which want a better return for their money, which want all lands to be cultivated, which want to get market for food-stuffs, should have gone the othe way round which would have encouraged the cultivation of crops lik sugarcane by having a lower assessment. We find heavier assessmen in the case of crops like sugarcane than in the case of paddy. I wis to inform the Government the people's feeling in this matter, tha it is not possible for them to pay the increased rates. It may be th case of one district now. I do not want that this question should b treated as a separate entity because it relates to only one district. Th real question is whether the landholder or the ryot is able to pay th tax. I have great pleasure in supporting the motion of my hon. Frien the Member for Tanjore."

* The hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, Sir, I hav listened with very great interest to the speeches which have been mad on the subject of the rates of water-cess under the Cauvery-Mettur Pr ject. As some hon. Members mentioned this project was brougl before this House in the year 1924 by my hon. Friend, Sir. C. P. Ram swami Ayyar. The financial forecast was placed on the table of tl House and the House passed, without opposition, a resolution in favo of the execution of this project. The rates shown in the financi forecast were a water-cess of Rs. 15 per acre for the first crop an Rs. 7-8-0 per acre for the second crop, and that necessarily involves charge of Rs. 22-8-0 for the dufasal crop on ryotwari lands and corr sponding rates for the irrigation of inams and zamindari lands. Tl estimates were revised, and in 1928 copies of the revised estimates we supplied to the Members of the Legislative Council and a forecast the gross revenue was placed before the Members. No objection w then raised to the proposed rates. These rates are practically the san as those which it is now proposed to levy except that we have includ a charge for third crop, because hitherto I believe no third crop h 6 p.

been raised in the Cauvery delta, but it is possible that third crops may be raised in the future, and in other parts of the Presidency a charge is made for irrigation of third crops; we also made a provision for charging water-cess on dry lands in the existing delta in accordance with the policy adopted when the transfer of lands from dry to wet in anticipation of the project being brought into force was prohibited. At the same time, we have made certain concessions in order to encourage cultivation. During the first year, the cess levied will be one-third of the full rates on the new area, in the second year, at two-thirds of the full rates, and no charge will be made for water taken for the preparation of land for the cultivation of wet crops. The original estimate was Rs. 612 lakhs and the present estimate is a little over Rs. 700 lakhs. From both those financial estimates, it will be found that the charge was proposed on zamin and inam wet lands. Hitherto, no objection has been raised to them. The law on the subject, the first proviso to section 1 of the Irrigation Cess Act, runs as follows:—

'Provided that where a zamindar or inamdar or any other description of landholder not holding under ryotwari settlement is by virtue of engagements with the Government entitled to irrigation free of separate charge, no cess under this Act shall be imposed for water supplied to the extent of this right and no more.'

The justification for this charge is that we shall no doubt supply these lands with a better and better regulated supply of water than they have had hitherto.

" Objection was taken to the raising of the rate for the irrigation of dry lands by percolation from Rs. 6 to Rs. 10. That increase necessarily follows from the other increases in the rates of water-cess which were found necessary in order to make this project a remunerative one.

" The Mover objects to the rule providing an enhanced rate of Rs. 150 per acre for unauthorized irrigation in certain circumstances. The reason for that rule is that we are bound by our agreement with the Mysore Government not to allow an area in excess of 301,000 acres to be newly brought under irrigation and we have got to be extremely careful to see that that area is not exceeded. If we allow that area to be exceeded, then there will be a breach of the agreement with the Mysore Government and for that reason we put on an excessive rate which, we hope, will be absolutely prohibitive. But other unauthorized irrigation which will not affect a breach of that agreement will be subject to the ordinary rules on the subject.

" The Mover and the Seconder of this motion gave two different accounts of the conditions of the Pattukkottai taluk. I understood the Mover to say that at the present time they have got two dry crops, one irrigated from wells and the other with rain-water and that the ryots get very good profits from them. The Seconder took the opposite view and said that it is a very poor taluk and the ryots are very poor ryots and therefore they will not be able to take up irrigation under this project. The two views are somewhat contradictory; but we hope that the statements which have been made on their behalf when the project

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was brought up for sanction in this House that they would be prepared to pay Rs. 15 an acre would prove true. Such a statement was made in 1924 by Mr. Rajappa who said:

'As far as Pattukottai and Arantangi taluks are concerned, I may say that the people will be very glad to see an early completion of the work, and they will be prepared to pay the proposed water-rate of Rs. 15 or even more per acre under the existing conditions.' "

Mr. K. S. SIVASUBRAHMANYA AYYAR:—" But conditions have changed."

The hon. Sir ARCHIBALD CAMPBELL:—" The conditions of course are not quite the same as they were then; and some of the ryots have indicated, now that they have got the channels there, that they are not quite sure of being able to pay at the rate of Rs. 15 per acre. In consequence of that, I made enquiries as to whether we can stop further irrigation in the lower portions of the Pattukkottai and Arantangi taluks and it appears that we could do so. I am also informed by the ryots and mirasidars of Trichinopoly that they would be quite prepared to pay Rs. 15 or Rs. 20 per acre if we could give them water from the Cauvery-Mettur Project; and one recent occasion on which that statement was made to me was, I think, last December when the prices had already fallen. So, Sir, that seems to indicate that Rs. 15 an acre is not necessarily an excessive charge; because, if we do not charge these rates which have been calculated to bring in the required interest on the capital expenditure, the cost of the project must fall upon the rest of the Presidency to the extent to which the interest and cost of maintenance are not met by the receipts from these new rates.

" Again, Sir, the Mover stated that there are no drainage facilities provided in the new ayacut. That is to a very large extent true, and I myself took up the matter with the Engineer-in-Chief, Mr. Mullings, soon after I became Irrigation Member, and he assured me that, owing to the undulating nature of the country, it was not necessary to provide drainage works on the same scale as is necessary in the Godavari and Kistna deltas, where the country is very flat, and that the ordinary streams would be able to carry off the drainage water. The main canals are contour canals and irrigated land is practically all on one side of the Grand Anicut canal; the result is that the drainage water will flow into existing streams and rivers and we do not have to use drainage channels as irrigation channels, as is done in present Tanjore delta.

" The Mover also asked that there should be some demonstration farms in the new area. That question is at the present time under consideration of Government. Certain suggestions have been already received to this effect from the Director of Agriculture.

" The draft rules were originally published in June 1931, that is to say, about a year before this fasli began. No doubt the final rules were not issued till September this year; but the ryots had ample warning that these rules were likely to be put into force during this fasli. We had to bring these rules into force this year because we have

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already supplied Mettur water to some of the channels under what is known as the Vadavar extension canal, and that is absolutely new irrigation under the Mettur Project. Therefore, it is only right that new water-rates should be put into force, as far as that area is concerned.

" The rules as they stand would seem to apply the new water-rates also to certain areas in the old delta. We have put an increased cess on the old delta in view of the more regular supply of water and the protection from floods which will be provided by the Mettur Project to lands in the old delta. I am now considering the question whether we are justified in making that charge this year, that is to say, whether the Mettur Dam can be considered to have acted as a flood moderator in the current year. If, as is likely, we come to the conclusion that it has not really acted as a flood moderator this year, then we shall amend the rules, so that the new rates will not be put on the old delta, but only on that portion of the area which has been newly brought under irrigation under the Mettur Project through the Vadavar extension canal.

" As far as we can foresee at present, the whole of the Project will be completed within the final estimated cost. If we can get it done more cheaply, or if the final bills are found to be much less than the estimated cost, then we may be able to consider the question of some possible reduction in the rates of water-cess, so as still to obtain a sum sufficient to cover the interest on the capital cost of construction, the maintenance charges and so forth. But at the present time, it will be premature to make any such reduction. As I say, we are giving concessional rates in the first year or two after the rules come into force. The dam is expected to be completed by September 1934; and until then we are not really collecting full rates in any area at all which has not got the facilities for irrigation now. At that time we shall be in a position to see whether we can reduce the charge of Rs. 15 per acre.

" The suggestions which have been made now will receive very careful consideration, but except for modifications in the directions I have already indicated, I am afraid I cannot hold out any hopes of any large reductions in rates such as the hon. Mover and Seconder and my friend Mr. Ramaswami Ayyar have desired. The reason that we have to charge these rates is in order to make the scheme a productive scheme."

* Mr. G. RANGANATHA MUDALIYAR :—" Mr. President, Sir, the notification issued by the Government in September last confirms in substance their draft notification published more than a year ago in respect of the levy of new water-rates in the Tanjore district in spite of the unanimous protests conveyed to them by the Mirasidars' Conference last year. This is a step which is wholly unjustifiable and it is the duty of this House by the unanimous vote of the people's representatives, irrespective of parties, to express its disapproval of the Government's policy in no uncertain terms. I ask my colleagues to disapprove of this policy not merely because it most seriously affects the already deplorable condition of landholders in my district, due to the fall in prices and

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ıe heavy enhancement in land revenue fixed at the last re-settlement; ask this House to vote for the motion because the principle of arbitrary nhancement and levy of taxes and cesses upon land without the control f the Legislature, is bound in turn to inflict similar injury on other istricts as well when similar projects like the Mettur Project or pro-osals for re-settlements are decided upon by the Government and ıhanced demands are made from the already impoverished ryots and ıltivators of this Presidency.

" The new water-cess rates have been levied with the avowed object f obtaining an adequate return on the capital invested in the Mettur roject. Although it is admitted that one of the primary purposes of ıe Project is to protect the existing irrigation of the Tanjore delta as uaranteed by the Government in successive settlements and proceed-ıgs, still no allowance is made in calculating the return on the Project ır any part of its capital expenditure being left out in assessing the :turns on this account.

" In the next place, Sir, whatever be the return the Government ay justly expect on lands newly brought under the Project, there can › no justification whatever for the Government to levy enhanced water-ıtes on lands whether dry or wet that already use Cauvery water, merely ır the reason that the Government discharge its duty of supplying water y a protected project. The first important point, therefore, in the overnment's scheme is that they have decided to increase the existing vy of water-rate on dry lands in ryotwari and proprietary villages, om the rate of Rs. 6 till recently in force, to Rs. 10. Till now, in the :isting delta there was no restriction for adding new dry lands under ıddy cultivation provided water-rates were paid at the usual rates and ›ry large areas are now cultivated in the district by the payment of :ch water-rates. When the Mettur Project was originally framed, no venue out of any such proposed enhancement in this rate was thought or taken into calculation. The reason was that the rates already vied for dry lands taking water were, as in the case of wet lands, ced equitably under the re-settlement. The Government have sought justify the new rate on the ground that it was an omission at the me of the preparation of the Project and that omission is now sought be supplied. It is clear, Sir, that the omission was deliberate because th wet and dry lands in the Tanjore district obtaining the benefit of uvery water were properly assessed and were legally entitled to get e water which they had previously obtained and at the same rate. To ek to supply what is wrongly assumed to be an omission is to perpetrate injustice and injury on the ryots owning these dry lands. Simi-rly, the rule for the cultivation of a third crop, although modified ightly from the original draft of last year, is still such as to impose edless hardships and injustice upon ryots in respect of what are ally catch crops for which very little extra water from Government urces is really obtained. In regard to the water-rates proposed to be ried under the Grand Anicut and Vadvar canals, the Mover of the tion and my Colleague, Mr. Nadimuthu Pillai, have demonstrated

to the satisfaction of the House the utterly heavy and unbearable nature of the burden and I wholly associate myself with all they have said. Far from encouraging the use of Cauvery water and the increase of production and revenue, this enhancement of rates would have a contrary effect and I venture to predict that Government may be faced with a diminution of irrigation and consequent loss of revenue.

" I do not want to take up the time of the House, Sir, but I do hope that the Government will, even at this late hour, agree to confer with the ryots concerned and revise their rates so as to be in conformity with the wholly changed economic condition of the Tanjore landholders, brought about by the economic depression and the fall in prices that have occurred and to protect the ryots in their just rights, by the levy of fair and equitable rates."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR :—" Sir, it is unfortunate that Government, before venturing on a big scheme like this, did not take care to protect themselves by adequate and proper agreement between themselves and the parties who were going to take advantage of the scheme. Sir, if I am informed correctly, even before the scheme was started, the Collector of the district reported that anything like Rs. 15 per acre would be too high a cess to be charged for the use of the water in that area. Of course, I speak subject to correction by the hon. the Revenue Member. But, when the question actually arose in the House, a Member who happened to be present in the House at the time no doubt said that people would be prepared to pay Rs. 15 per acre. But that was not a matter which was then at issue. He was not here to inform the Government as to the agreement of the people to pay that rate of cess. The question was put to him in a sort of haphazard manner because the hon. Member for the University who was sitting on this side then raised the question of the rates specifically and Mr. Rajappa who happened to be in the House at the time said that the people would be prepared to pay that rate. Even then he was careful enough to say that ' under the existing circumstances ' they would be prepared to pay. Now, of course, I need not say, the circumstances that existed at that time no longer exist. They are very much different at the present moment. Not only that.

" Well, Sir, even the estimates which were a little over six crores have gone up to a little over seven crores now, and from what the hon. the Revenue Member told us just now there is no provision made for drainage in the scheme. It may be that we may not require very costly drainage works with reference to the scheme, but still some money will have to be spent for providing at least some drainage channels or some kind of drainage arrangements whereby water can be taken to the present canals. One can see that the present canals ought to be in a lower range of level. If they are going to give water to the upper reaches some arrangement will have to be made to take the drainage water from the ayacut to the canals. Anyway, that is the position. The Government are correct in saying that from the taxpayers' money we should not take

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away such a large amount as seven crores for the benefit of the holders of three lakhs of acres. Their position is of course correct, but unfortunately the owners of these three lakhs of acres have to pay this extra amount which they have not agreed to pay. The difficulty is that the water is actually there. If it is not taken, the ordinary taxpayer in the Presidency will suffer more. He will not only lose the amount of interest which he will have to pay, but will also lose even the reasonable cess which you can get. If the Government will say that 'I am going to charge you so much, if you are not going to pay that, you need not take water.' That is a position which you will have to take into consideration so far as the taxpayers of the Presidency apart from those districts which are going to take water are concerned. There is also the other side of the question to be considered. In all these matters, however reasonable the tax that Government may levy may be from their standpoint, the question whether the people who are going to use the water can afford to pay that rate will have to be considered as well.

"It is well known that the price of paddy has gone down very much to about 33 or 40 per cent of the old price. The price of paddy at that time the scheme was proposed was, I believe, Rs. 3–8–0 per kalam, but at present it is about 14 annas or Re. 1 per kalam. That is the present state of things. If that is so, is it possible to use water for paddy cultivation and pay this high cess of Rs. 15 per acre.

"Then there is also this point to be considered and that is the lands under this Project are all dry lands and if they are going to be turned into wet, considerable amount of money will have to be spent on them. At least Rs. 150 or Rs. 200 per acre will be necessary for this purpose and that would mean so much of additional capital sunk on the land. The cultivator has to find a return for the money that he has to spend on these lands for bringing them into wet cultivation, besides paying this Rs. 15 per acre. Whether he can afford to pay both these amounts is a matter which the Government will have to consider. I will put it to Government whether they do not realize that the time has come when we have to stop this increase in the ayacut for paddy cultivation. Sir, I am told that most of the landholders in Tanjore have got the paddy grown on their lands within the last twelve months on their lands and there has been no demand for that. When such is the case, is it advisable to increase the ayacut for paddy cultivation? I think the Government will be well-advised in giving water for dry cultivation or for the cultivation of crops like sugarcane. In case they are going to consider the question of sugarcane and charge one-and-a-half times Rs. 15, that will again be too hard. I would therefore ask the hon. the Revenue Member to see whether it is not possible for him to make arrangements whereby this same water can be utilized, for a larger acreage, for dry cultivation or for cultivation of other crops than paddy so that the cess can be reduced and the acreage increased. If the Government are able to do that, it will certainly be to the advantage of both the landowners and the Government.

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"Then, Sir, the people in the Tanjore district ought to be grateful to the hon. the Revenue Member for saying that he would try to reduce the rate, if possible, after seeing what the total cost is going to be. He also said that the increased cess will not, in all likelihood, be collected this year. I am sure, even for these small mercies the people of the Tanjore district will be grateful and I hope the hon. the Revenue Member will make enquiries with reference to the other matters and that he will see that the people are at the same time asked to pay the cess which is reasonable so that it may not indirectly force them not to use the water.

"Sir, there is one other point which the hon. the Revenue Member also referred to, namely, the levy of water-cess in the proprietary villages. There again, I will leave the question as to how far the proprietors of these villages are entitled to the water; and whether the Government can really charge them for water is a matter which is not free from doubt. Of course, there are decisions of the Privy Council which say that the zamindars or proprietors of lands are entitled to as much water as the canals leading to their villages can possibly bear. If that will cover the cases of even water taken from the Mettur Project, it is a matter which will have to be considered by the hon. the Revenue Member.

"With these remarks, I would request the Government to reconsider the whole matter and see that relief is given to the people of the Tanjore district."

* The hon. the PRESIDENT:—"The question is that the business of the House be adjourned."

The motion was carried.

* The hon. the PRESIDENT:—"The House will now adjourn and meet again on the 23rd January next."

VI.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. [a] *Final report of the Committee appointed by the Government to enquire into the incidence of taxation on motor vehicles in the Madras Presidency.*

2. [b] *G.O. No. 4185, L. & M., dated the 21st October 1932, fixing the date of retirement of members of certian district and taluk boards and panchayats.*

3. [c] *G.O. No. 570, dated the 18th October 1932, regarding the appointment of Mr. R. Foulkes as member of the Public Accounts Committee* vice *Mr. Hutton resigned.*

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

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[a] Printed as Appendix I on page 675 infra.
[b] Published in the *Fort St. George Gazette.*
[c] Printed as Appendix II on page 676 infra.

APPENDIX I.

[Vide item VI—Papers laid on the table of the House—page 674 supra.]

Final report of the Committee appointed by the Government to enquire into the incidence of taxation on motor vehicles in the Madras Presidency.

At their meeting held on the 9th March 1932 the Committee appointed to enquire into the incidence of taxation on motor vehicles appointed a sub-committee consisting of Messrs. F. E. James, F. G. Luker, N. Gopalaswami Ayyangar and the Secretary to Government, Local Self-Government Department, to examine the question of licence fees on motor buses and to formulate proposals for the consideration of the main committee. The sub-committee met twice and after a detailed scrutiny of the particulars collected in regard to the total fees payable by a motor bus before and after the introduction of the Madras Motor Vehicles Taxation Act, 1931, in the shape of licence fees and tolls and provincial tax, suggested—

(1) that the total burden on a bus should not be more than Rs. 1,100 per annum (Rs. 1,000 provincial tax plus a nominal licence fee of Rs. 100); and

(2) that a single agency should collect the tax and fees and distribute the amount thus realized as a grant among the local bodies on the basis of the average expenditure on communications for the three previous years.

The main Committee which met on 21st October 1932 discussed the proposal in all its aspects and decided to recommend to the Government that the Madras District Municipalities and Madras Local Boards Acts, 1920, might be amended so as to provide for a maximum licence fee of Rs. 30 per seat per annum (exclusive of the seats intended for the conductor and driver) and to give discretion to district boards to charge different rates for different routes subject to the maximum rate suggested above on the basis of so much per seat. The Committee considered that the proposal to combine provincial tax and the licence fee so that the amount might be collected by a single agency would have to be dropped in view of the objections raised by a majority of the district boards. The Committee trust that it will be possible for the Government to accept the recommendation and undertake the necessary legislation at an early date.

1. B. MUNISWAMI NAYUDU.
2. * * * *
3. E. CONRAN SMITH.
4. F. G. LUKER.
5. N. GOPALASWAMI AYYANGAR.
6. F. E. JAMES.
7. ZAMINDAR OF MIRZAPURAM.
   I consider that the maximum fee should be Rs. 50 per seat.
8. C. S. RATNASABHAPATI MUDALIYAR.

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Appendix II.

[Vide item VI—Papers laid on the table of the House—page 674 supra.]

G.O. No. 570, Finance, dated 18th October 1932.

Read—the following paper:—

G.O. No. 266, Finance, dated 4th May 1932.

Abstract.—Committees—Public Accounts and Finance—Constitution of—1932–33.

Order—No. 570, Finance, dated 18th October 1932.

His Excellency the Governor is pleased to nominate Mr. R. Foulkes, M.L.C., as a Member of the Public Accounts Committee of the Madras Legislative Council in place of Mr. A. W. Hutton, who has resigned.

(By order of the Governor in Council)

H. M. Hood,
Secretary to Government.

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